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ACCOUNTS AND PAPERS:

THIRTY-EIGHT VOLUMES.

—(10.)—

COLONIES AND BRITISH POSSESSIONS.

Session

5 *February* — 21 *August* 1867.

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ACCOUNTS AND PAPERS:

1867.

THIRTY-EIGHT VOLUMES:—CONTENTS OF THE

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REPORTS

SHOWING THE

PRESENT STATE OF HER MAJESTY'S COLONIAL POSSESSIONS.

TRANSMITTED WITH THE BLUE BOOKS
For the Year 1865.

PART I.—WEST INDIES AND MAURITIUS.

Presented to both Houses of Parliament by Command of Her Majesty,
May 1867.

LONDON:
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FOR HER MAJESTY'S STATIONERY OFFICE.

1867.

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PART I.

WEST INDIES AND MAURITIUS.

JAMAICA.
No. 1.

JAMAICA.

No. 1.

COPY of a DESPATCH from Governor Sir J. PETER GRANT, K.C.B., to the Right Honourable the EARL OF CARNARVON.

(No. 1.)

MY LORD, King's House, January 8, 1867.

I HAVE the honour to enclose a Report on the Jamaica Blue Book for 1865.

I have, &c.
(Signed) J. P. GRANT.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

REPORT on the JAMAICA BLUE BOOK for 1865.

Taxes.

The principal taxes in this Colony are:—

For General Purposes—
Import Duty,
Tonnage Dues,
Rum Duty,
Stamp Duty, and
House and Live Stock Tax; and

For Roads and Immigration—
Land Tax,
Export Duty,
Horse and Wheel Tax.

The taxation of the Island averages 14*s.* 7*d.* on each inhabitant,—a remarkably small amount as compared with other Colonies of like character. This includes not only all dues of every description, whether for municipal, parochial, or other local objects, including the support of the poor, but also payments for lighthouses, for postal service, &c. &c.

Revenue and Expenditure.

1865. *Revenue.*	£	*s.*	*d.*
Revenue from taxation -	321,859	7	5
Casual revenue - -	13,017	18	5
Total ordinary revenue	334,877	5	10
Raised by loan - - -	24,239	0	0
Excess of deposits received over deposits repaid -	13,656	2	0
Total receipts - -	372,772	7	10
Diminution in cash balance during the year -	11,222	4	2
	383,994	12	0

1865. *Expenditure.*	£	*s.*	*d.*
Detailed expenditure -	363,602	6	0
Sinking fund - -	16,492	6	0
Loans repaid - -	3,900	0	0
	383,994	12	0

	£	*s.*	*d.*
Increase of deposit - - -	13,656	2	0
Increase of debt - - -	20,339	0	0
Decrease of cash balance - - -	11,222	4	2
Total deficit of the year - -	45,217	6	2

Revenue.

The revenue of the year ending 30th September 1865, from all sources, amounted to 334,877*l.* 5*s.* 10*d.*, and a further sum of 24,239*l.* was raised by loans. Of the above revenue, 321,859*l.* 7*s.* 5*d.* was raised by taxation, and the casual receipts were 13,017*l.* 18*s.* 5*d.*

The chief sources of revenue yielded as follows:—

	£	*s.*	*d.*
Import duty	174,342	17	6
Rum duty	44,752	2	0
Tax on houses, stock, carts, &c.	29,212	13	6
Export duty	17,588	0	9
Stamp duty	13,614	19	11
Post Office	10,470	14	0
Licences to sell spirits	10,146	10	1
Tonnage dues and charges on shipping	9,996	12	8
Land tax	5,838	5	8
Capitation tax paid upon immigrants by their employers	3,219	12	2
Market dues	1,690	4	10

Compared with the previous year, the revenue shows a small increase of 1,393*l.*

Public Debt.

That part of the public debt of the Island which is redeemable amounts to 869,998*l.* 5*s.* 3*d.*, against which is to be set off the sum of 135,280*l.* 7*s.* 9*d.*, being the amount remitted for sinking funds. Of this sum of 869,998*l.* 5*s.* 3*d.*, 600,000*l.* was raised in England by loan guaranteed by Her Majesty's Government, on which six per cent. is paid annually, whereof four per cent. is interest, and two per cent. is set aside and forms a sinking fund. The remainder of the redeemable debt bears interest at six per cent.

Both the interest and the sinking fund payments on the whole debt have been regularly provided since the creation of the loans.

Besides the debt redeemable there is a funded debt of 64,803*l.* 10*s.* 11*d.*, on which interest amounting to 5,466*l.* 7*s.* 10*d.* a year is paid.

This funded debt consists of legacies left at various times to found educational establishments, the interest whereon, to the amount of the above sum, is expended in support of the institutions.

The Act 28 Vict. c. 23. converted the whole of the legacies into a funded debt, and apportioned the interest to the several schools founded.

Military Expenditure.

	£	*s.*	*d.*
By the Colony	2,521	12	0
By Her Majesty's Government:—	£	*s.*	*d.*
Troops, &c.	84,934	0	0
Navy	80,000	0	0
	164,934	0	0

These returns do not show any material variation from the expenditure of the previous year.

Militia.

The militia has long ceased to exist, although the militia law remains in force.

The volunteer movement derived an extraordinary impetus from the disturbances which occurred towards the close of the year under report, but, notwithstanding the energetic exertions of Colonel Hunt, the Inspector of Volunteers, it does not give much promise of permanency.

I must not, however, omit to state, that after the disturbances in October a body of special volunteers, upwards of 600 strong, comprising several of the most respectable and influential inhabitants, was organized, under the immediate supervision of Major-General O'Connor, for the protection of the city of Kingston.

JAMAICA.

After tranquillity was restored these Kingston volunteers returned their arms, and were disbanded.

Public Works.

No public work of importance was undertaken or completed during this year.

On the Lunatic Asylum the sum of 4,333*l.* 8*s.* 6½*d.* was expended in making alterations, and in constructing new apartments. The works on this asylum are not yet completed. Beyond this the aggregate amount stated under this head, as spent on the other public buildings, is insignificant.

The sum expended on—	£	*s.*	*d.*
Main roads was - - - -	21,484	11	4
Parochial roads - - -	18,277	11	7
Total for roads - -	39,762	2	11

Of this amount 11,010*l.* were contributed by loans raised for the purpose.

The improvement of some of the principal thoroughfares of the city of Kingston, which had long been in a very bad state, has been commenced, and a sum of 2,503*l.* 13*s.* 4*d.* was expended in the year under report on this work.

Legislation.

The legislation of this year included two Acts, the most important passed in the Colony since its settlement, viz., the 29 Vict., Session 1, Chapters 11 and 24, which abolished the Legislative Council, the House of Assembly, and the Executive Committee, and enacted that it should be lawful for Her Majesty to create and constitute a Government for the Island "in such form and with such powers as to Her Majesty may "best seem fitting, and from time to time to alter or amend such Government," thus abolishing the former constitution of the Island, and placing it in the hands of Her Majesty's Government as a Crown Colony.

The event which led immediately to the passing of these Acts was the lamentable outbreak which took place on the 11th of October at Morant Bay, in the parish of St. Thomas-in-the-East.

The other Acts requiring to be noticed are:—

1. The Stamp Act, which has a duration of two years.
2. The Import Duty Act, which levies certain duties for the same period.
3. An Act to provide for the establishment of a Lepers' Home.

Such an institution has long been urgently required, and steps have been taken to purchase a site on the sea-coast for a suitable asylum.

4. An Act for the encouragement of Building Societies.
5. An Act to provide for the appointment of an Officer for inspecting the several Revenue Departments of this Island.
6. An Act to re-establish the St. Mary's District Prison.
7. An Act to provide for the Re-construction of the Streets of Kingston.
8. An Act to authorize the erection of Gasworks in Kingston.

Nothing having been done within the prescribed time to carry out the object of this Act, the Act has expired.

9. An Act to indemnify the Governor and all other officers and persons concerned in suppressing the late Rebellion in this Island.
10. An Act to authorize the infliction of Corporal Punishment in certain cases of Larceny.

This last-mentioned Act was passed in consequence of the great increase of the crime of larceny of growing produce, chiefly the property of the negro peasantry. This evil had risen to such an intolerable height as to threaten very seriously to affect the cultivation, by the peasantry, of the minor products of the soil, and of the roots, fruits, and other vegetables used as the food of the people. Whipping was introduced as a penalty on a second conviction for larceny.

11. An Act to facilitate the admission of Members of the Bars of England, Scotland, and Ireland to practise in the several Courts of this Island.

Political Franchise.

There is now no Political Franchise.

Councils and Assembly.

The old Legislative Council and the House of Assembly have been abolished by the Acts above reported. In place thereof, for legislative matters, a new Legislative Council, consisting partly of official and partly of non-official members, has been constituted, and for executive matters the Governor, advised in important questions by a privy council, replaces the Governor and Executive Committee, overruled as they were used to be by the House of Assembly.

Civil Establishment.

The principal appointments made in the year 1865 were—
The Honourable Edward Jordon, C.B., Governor's Secretary.
The Honourable Hugh W. Austin, Receiver General.
D. P. Trench, Esq., Inspector of Revenues.

Pensions.

There are 24 persons on the pension list. With the exception of the allowances of six of the Judges who retired in 1856, these pensions are all very small. Most of them were voted annually in the Appropriation Act.

There is no pension or superannuation system in operation, and none has ever existed in this Colony. The consequences of this want have been pernicious.

Foreign Consuls.

The following foreign countries have consuls resident in this Colony :—

France.	Sweden and Norway.
The United States.	Belgium.
Prussia.	Guatemala.
Spain.	The United States of Columbia.
Denmark.	Hayti.
The Hanseatic Cities.	Netherlands.

Population.

Nothing new can be reported under this head, in the absence of any provision for registering births and deaths.

The Census of 1861 gave :—

WHITES:	Males, 7,295 ;	Females, 6,521 =	13,816
BROWNS:	Males, 38,223 ;	Females, 42,842 =	81,065
BLACKS:	Males, 167,277 ;	Females, 179,097 =	346,374
		Total - - -	441,255

Supposing the population to have increased since 1861 only at the rate of increase established then upon the Census taken in 1844 (and probably it has been greatly in excess of that rate, as there has been no epidemic since 1861), the population of this Island now would exceed 460,000.

Savings Banks.

The progress of these institutions has been satisfactory. The following table shows the number of depositors and the amount of deposits for the last two years :—

——	Banks.	Depositors.	Amount deposited.
			£ s. d.
1864 - - -	7	2,306	49,460 13 5
1865 - - -	7	2,372	55,945 13 4
	Increase - -		6,484 19 11

JAMAICA.

Immigration.

There were no immigrants introduced during this year; but there were 4,363 immigrant Coolies and Africans, under indentures, located on the estates in the several parishes.

Ecclesiastical.

The number of persons attending the churches of the several denominations is stated in the returns to have averaged 92,625, exclusive of the Baptists, who have made no returns of attendance this year. But no confidence can be placed in these figures.

Education.

The number attending schools is put down at 33,851, being 3,337 more than the attendance in 1864.

There are several Sunday-school returns included in 1865 which were not included in the Blue Book of 1864. On the other hand, no returns for 1865 were received from several schools.

Circulation, Currency, &c.

The amount of coin in circulation has been estimated at 300,000*l.* But no confidence can be placed in this estimate.

The notes of the Colonial Bank in circulation averaged 76,936*l.* during the year.

Besides sovereigns and silver dollars, British silver coin at its nominal value is legal tender to any amount.

Accounts are kept in British sterling money. The weights and measures are the same as those used in England.

The rates of exchange on England for bills at 90 days averaged 1½ per cent. premium from January to August, and 2 per cent. premium from September to December.

There is now only one bank here, which has practically a monopoly of exchange and banking operations.

Imports.	£
The imports for 1864 were - - - -	1,142,919
„ 1865 „ - - -	1,050,984
Decrease - - -	91,935

Exports.	£
Total amount for 1864 - - - - -	946,906
„ 1865 - - - -	912,004
Decrease - - - - -	34,902

Among the principal articles of export, the produce of the Colony, the following quantities were exported during the last two years:—

	1864.	1865.
Sugar - - - cwts.	522,498	483,681
Rum - - - gals.	1,280,854	1,409,800
Coffee - - - lbs.	4,141,903	6,229,712
Pimento - - „	7,686,337	3,861,510
Dye and other Woods - tons	29,594	27,064

Shipping.

Arrived in the Colony.

Year.	Number of Vessels.	Number of Tons.	Number of Men.
1864 - -	548	145,084	6,643
1865 - -	503	147,958	6,423

Cleared Outwards.

Year.	Ships.	Tons.	Men.
1864 - -	542	138,585	6,734
1865 - -	480	135,907	6,115

Agriculture.

The returns under this head are almost blank, agricultural statistics apparently never having been considered of value here, although it might have been supposed that in a purely agricultural country such as this some attempt would have been made to arrive at least at the average of the cultivated land.

The Island contains 4,080,000 acres. The number of sugar estates producing from 50 tons and upwards is about 300; and the coffee estates producing 10 tierces and upwards are 80 in number. There is beside a quantity of sugar, and more especially of coffee, which is considerable in the aggregate, cultivated by the peasantry on small plots of land. The number of stills for the manufacture of rum, in yearly quantities of 50 gallons and upwards, is about the same as that of sugar estates, viz., 300.

The distilleries have hitherto been confined to the sugar estates.

I regret to be obliged to report that the anticipations respecting the cultivation of cotton have not been realized. The experiment was tried on a somewhat large scale in three different districts of the Island, but it has not been successful, and the plantations have been abandoned.

There are four copper mines, and one silver-lead mine, which have been opened, but none of them are now worked. I am assured that if economically worked, by individuals, without the expensive apparatus of a company, some of these mines, at least, would be remunerative.

Gaols and Prisons.

In the report of the Inspector of Prisons for 1865, the number of prisoners on the 30th September 1865 was 1,456, being one prisoner for every 309 of the population.

There was an increase in the daily average of prisoners in 1865, over that of the year 1864, of 59 prisoners.

There was a small diminution of the crime of larceny, the total number committed being 99 less in 1865 than 1864.

There was an increase in the following more serious crimes over the year 1864:—

Manslaughter	2
Rape and attempt at rape	12
Forgery	6
Horse stealing and cattle stealing	4
Burglary	24

And there was a decrease in the crimes of—

Arson	5
Offences against nature	8

Charitable Institutions.

The principal charitable institutions in the Colony are:—

The Public Hospital.
The Lunatic Asylum.
The General and Marine Hospital, at Montego Bay.
The Falmouth Marine Hospital.
The Metcalfe Dispensary, in the city of Kingston.
The Church Almshouse, in Kingston.
The Nurse Training Institution.
The St. George's Reformatory for Boys.
The Girls' Reformatory.

The Public Hospital and the Lunatic Asylum are the largest of these institutions, and they are now admitted to be very well managed.

2,476 patients were treated in the hospital during the year. The daily average number of inmates was 190; the number of patients discharged was 2,014. Of these there were—

Cured	1,201
Relieved	675
Not relieved	138
	2,014

254 deaths occurred, and 208 patients were in the hospital on the 31st December.

The institution cost for the year 7,802*l.* 15*s.* 5*d.*

JAMAICA.

292 persons were treated in the Lunatic Asylum, the daily average being 203; 33 were discharged, 56 died, and there were 203 patients in the asylum on the 31st December.

The institution cost this year 4,813*l.* 9*s.* 1*d.*

In the General and Marine Hospital, Montego Bay, 77 persons were treated; 72 were discharged cured or relieved, and 5 died. The cost of this institution was 578*l.* 5*s.* 5*d.*

58 patients were treated in the Falmouth Hospital; 54 were discharged cured, 2 relieved, and 2 died. This institution cost 458*l.* 10*s.* 4½*d.*

In the Nurse Training and Lying-in Institution 98 patients were treated; of these, there were admitted :—

Ordinary patients - - -	89
For surgical operation - -	6
Medical treatment - - -	3
	98

Of these there died—Women, 4; Infants, 4.

Two nurses obtained certificates, and two remained under training.

The admissions to the Boys' Reformatory were :—

Criminals - - -	38
Orphans - - - -	37
	75

During the same period there were discharged, 22; died, 6; apprenticed, 43.

Of the 43 apprenticed, 37 were sent out as agriculturists, 2 as carpenters, 1 as a shipwright, 2 as coach trimmers, and 1 as a domestic servant; 150 boys were remaining in the Reformatory on the 31st December.

The Girls' Reformatory received 24 inmates during the year; 17 were discharged, 3 died during the same period. The number of inmates at the end of the year was 90.

The total cost to the revenues of all the charitable institutions and of the support of the poor in the several parishes, where a system of out-door relief generally prevails, was 46,334*l.* 9*s.* 3*d.*, being 2,416*l.* 3*s.* 11*d.* in excess of the expenditure for 1864.

The revenue returns and loan accounts in the Blue Book are made up to the 30th of September 1865, the end of the financial year, and they are not therefore to be taken as representing the actual financial state of the Colony on the 31st of December.

A deplorable event which occurred in the last quarter of the year, though it will not permanently affect the revenue, will add to the Island debt.

On the 11th of October 1865 a body of insurgents, which had been organized at a place called Stony Gut, four miles off, suddenly marched into the town of Morant Bay, and attacked the Court House, in which the magistrates were sitting at the time. The Court House and an adjoining school-house were burnt down; the police station was stormed and plundered; the district prison was broken open, and the prisoners were released; and 18 peaceful colonists were massacred. From Morant Bay bodies of the insurgents moved about the adjacent country, and some serious outrages were committed before they could be dispersed. Martial law was immediately proclaimed by Mr. Eyre, then Governor, over the whole county of Surry, exclusive of Kingston; and by the rapid and well-conducted operations of the troops, under the immediate command of Colonel Nelson, assisted by gunboats of the navy and their crews, the disturbance was happily confined to the eastern extremity of the county of Surry. The movement was put down, and life and property were again secure, in about a week's time from the first outbreak.

These lamentable occurrences, and the measures taken for the suppression of the outbreak, and for the punishment of those concerned, have formed the subject of a thorough and searching inquiry by a Royal Commission, sent out from England to investigate the whole matter; and the full report of that Commission, which has been approved by Her Majesty's Government, makes it unnecessary for me to say more on this subject.

BRITISH HONDURAS.

No. 2.

COPY of a DESPATCH from Governor Sir J. PETER GRANT, K.C.B., to the Right Honourable the EARL OF CARNARVON.

(No. 4.)

MY LORD, King's House, Jamaica, October 23, 1866.

I HAVE the honour to transmit to your Lordship the enclosed Despatch from the Lieutenant-Governor of Honduras, forwarding the Blue Book for 1865. No. 51, 21 July 1866.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) J. P. GRANT.

Lieutenant-Governor AUSTIN to Governor Lieut.-General Sir H. STORKS, G.C.B.

(No. 51.)

SIR, Government House, Belize, July 21, 1866.

I HAVE the honour to enclose the Blue Book of British Honduras for the year 1865, and to report thereon as follows :—

Taxes—Duties and Fees.

2. Under this head the following changes took effect on the 1st of September :—

Malt liquors and cider, per imperial gallon, increased from 12½ cents to 25 cents.
Spirits and cordials, per imperial gallon, increased from 50 cents to 75 cents.
Wines, per imperial gallon, increased from 25 cents to 37½ cents.
Unenumerated articles increased from 2½ per cent. to 3½ per cent.
Manufactured tobacco, other than cigars, per 100 lbs., increased from $3 to $4 50 cents.

Revenue and Expenditure.

3. The following is a statement, as taken from previous reports, of the revenue and expenditure of the Colony during the last 10 years, but the comparative expenditure therein exhibited is not to be relied upon, as 2,600*l.* were expended under a Loan Act for the erection of a bridge in 1861 ; and payments to the extent of 15,782*l.* have been made in 1863 and 1864 under the South of Belize Improvement Loan Act, although the expenditure for the respective years has apparently been no way increased thereby.

	Revenue.	Expenditure.
	£	£
1856 - - -	22,623	26,236
1857 - - -	25,129	26,469
1858 - - -	27,848	24,127
1859 - - -	27,982	25,778
1860 - - -	32,575	30,270
1861 - - -	35,757	28,897
1862 - - -	27,294	32,175
1863 - - -	35,549	28,641
1864 - - -	31,544	28,364
1865 - - -	26,529	35,614

The revenue of 1865 was aided by a balance of 10,087*l.* on hand on the 31st December 1864, and the expenditure was burthened with the payment of 1,212*l.* for interest of the South of Belize loan of 1863, and 1,105*l.* for the lighthouse ordered in the beginning of 1864.

Local Revenues.

4. There are no local revenues, and but little prospect of any for some time to come, as although the Belizeans, with whom the representation of the whole Colony rests, are quite willing to impose local taxes, both north and south, commensurate with the purely local charges in each thereof, they are in no way disposed to assent to an application of the same principle to themselves.

Public Debt.

5. The debt of the Colony on the 31st December 1865 was 28,239*l.* 4*s.*, of which 19,800*l.* were raised under the Act of 1863 for the improvement of the South of Belize, and 8,439*l.* 4*s.* under the Act of 1864 for the introduction of immigrants.

Both debts will be considerably reduced on the 31st December 1866 by the proceeds of an import duty of one per cent. especially pledged for the South of Belize loan, and by repayment of one fifth of the cost of the introduction of the Chinese, per "Light of the Age," by the employers, and the general revenue of the Colony.

Militia.

6. The Colony is without a militia law, and there is very great difficulty in dealing with the question, as four fifths of the population are Yucatecan refugees, Indians, or Caribs, and the remainder, with the exception of the inhabitants of Belize, are too much scattered to be available at any point within a reasonable time.

I had at one time very high expectations from the Belize volunteers, but the depressed state of trade has caused so many to leave town for employment at the mahogany works or sugar estates, that the force has been reduced almost to nil.

Public Works.

7. The only public work commenced during the past year has been the erection of a lighthouse at Maugre Kaye, but its completion has been delayed in consequence of the desire of the Assembly to postpone any heavy payments.

Legislation.

8. The 29 Acts passed during the two Sessions of 1865 may be classified as follows:—

6 for the Collection and Appropriation of Revenue.
2 repealing Acts.
13 for the Revision of Laws, and improvements in administration thereof.
1 for the Introduction of Immigrants.
2 for the Defence of the Colony by Sea and Land.
2 for Improvements in the Town of Belize.
1, the annual Deportation Act.
1, the extension of the practice of Vaccination.
1, the legalization of preferable Liens on growing and future Crops.

Political Franchise—Council and Assembly.

9. The electors have been increased by registration since last year from 184 to 259, but as nearly all are resident in Belize, and by far the greater portion are only locally interested as petty traders, journeymen, or labourers, the elections have exhibited such results as could only have been anticipated, viz., the return of members generally averse to any improvements save for Belize, and to a great extent incapable of forming correct opinions on matters of general public importance. The only change in the Council during the year 1865 was caused by the appointment of Mr. Mathew to the office of Colonial Secretary.

Civil Establishment.

10. In the Civil Establishment there were several changes of considerable importance, viz., the appointment for the first time of officers for the Vice-Admiralty Court, for the Immigration Department, and for the discharge of magisterial duties at Orange Walk in the northern district, and at "All Pines" in the south. A public medical officer has also been appointed for the first time to the northern district.

Population.

11. The Census returns of 1861 give 13,789 males and 11,846 females, but there is little doubt that since that period the increase has been very considerable, not only from natural causes, but also from the introduction of very many agriculturalists, mechanics, and labourers from the Southern States of America and Jamaica, and 603 labourers from China and Barbados.

Ecclesiastical and Educational.

12. There are no changes under this head, and I see little prospect of any until increased wealth, as arising from agricultural operations, and increased influence on the elections by the planters, will admit of heavier taxation, and secure a more just distribution of the public funds between town and country.

Imports and Exports.

13. The Imports and Exports during the past ten years are as follows :—

	Imports.	Exports.
	£	£
1856 - - -	254,994	446,649
1857 - - -	268,692	440,272
1858 - - -	207,908	380,378
1859 - - -	175,293	288,101
1860 - - -	200,869	315,918
1861 - - -	231,744	292,576
1862 - - -	211,357	356,389
1863 - - -	265,751	390,643
1864 - - -	291,144	373,197
1865 - - -	210,675	323,169

The following are the Imports and Exports in 1864 and 1865, from and to each country with which trade has been carried on :—

		Imports from	Exports to
		£	£
United Kingdom - -	1864 -	196,372	218,130
	1865 -	130,426	220,076
Jamaica - - -	1864 -	1,446	Nil.
	1865 -	1,877	720
United States - -	1864 -	81,598	37,209
	1865 -	64,209	34,053
Mexico - - -	1864 -	260	21,864
	1865 -	Nil.	3,445
Yucatan - - - -	1864 -	5,334	33,682
	1865 -	2,892	26,312
Spanish Honduras, Guatemala, and other Countries - -	1864 -	6,132	62,309
	1865 -	11,268	38,562

There is little doubt that the American civil war gave the Colony a considerable increase of transit trade, as well in imports as exports, as also that the small supply of Mexican mahogany in consequence of disturbances in that country, and the absence in the markets of cedar and pitch pine from the Southern States, gave to the woods of British Honduras a great temporary advantage. All this is now at an end, however, and the future of the Colony must rest chiefly on the productive industry of its inhabitants in the field of agriculture, especially as goods are now being shipped direct to Truxillo and Wanks River from Liverpool, which formerly passed through the Port of Belize.

Agriculture.

14. The advance under this head has not been as satisfactory as might have been anticipated from the importations of labour from China, Jamaica, and Barbados, but it is easily accounted for in the absence of all knowledge of sugar cultivation on the part of those originating the movement, and their unfortunate trustfulness in persons but little qualified to aid them. In spite, however, of these delays and losses, there is a steady, persistent advance, indicating a determination to establish the cultivation of sugar on a sound basis, and thus, although the pioneers may not reap all the reward they deserve, the Colony will profit much from their example and outlay of capital.

At "All Pines" in the south, where a steam saw-mill was erected by the Guatemala Company very large operations are in progress, and there is little doubt from what I have myself witnessed that there will be sufficient cane cultivation in 1867 to give from two to three hundred tons of sugar.

BRITISH HONDURAS.

Already 500 acres have been cleared, and are in part planted with rice, tobacco, plantains, and sugar, and as engine and mill are both on the spot there is every reasonable prospect of a remunerative crop in the course of next year.

The North, too, is not behind in the spirit of enterprise, and its importations of machinery have been as follows:—An Ericsson's engine, with cotton gins and press; a sugar mill and steam-engine; an 18-horse engine, with sugar mill, clarifiers, pans, &c.; a rice mill; patent ploughs and cane waggons.

Grants of Land.

15. The sales of land during the year have only yielded 109*l.*, but the Crown fund has been maintained by 447*l.*, otherwise realized from rents and miscellaneous sources of revenue.

Gaols and Prisons.

16. There is but one gaol in the Colony, viz., at Belize, although the magistrate can authorize the detention of prisoners at the lock-up stations in the country for sentences not in excess of 30 days.

For the Belize gaol the greatest number of prisoners at any one time of the year was 93, against 91 in 1864, but I am unable to report on the Colony generally, in consequence of the absence of any returns from the lock-up stations, and my inability, with the present deranged postal service to detain the Blue Book any longer, delayed as its transmission has already been by the long sickness and death of the Colonial Secretary.

Charitable Institutions.

17. These reflect no great credit on the Colony, as the poor-house is a ruin, the lunatic asylum unfit for the purposes to which it is devoted, and the hospital too small. Several attempts have been made to remove the paupers from their present inconvenient location in the gaol yard, and 500*l.* were actually expended in 1862 on the foundation of a new poor-house on a better site, but the House of Assembly interfered on that occasion, and has not since placed funds at the disposal of the Executive, by means of which a fit abode for the paupers could be erected.

General.

18. The health of the Colony generally has been remarkably good throughout the year, although during the early part severe mortality occurred amongst the Chinese and Barbadian emigrants at the head of the New River.

So strong is the impression of such healthiness amongst the planters in the Southern States of America—impressions derived from the long experience of their countrymen in British Honduras—that several are at present in the Colony seeking to secure future homes for themselves and their families.

Upon their decisions rest to a great degree the future advancement of British Honduras, as the Spanish population is too inert, and the Creoles are too few and unenergetic to grapple with the difficulties which necessarily attend a state of transition from mahogany cutting to the cultivation of sugar, corn, tobacco, and rice.

I have, &c.

His Excellency the Governor in Chief, Jamaica. (Signed) J. GARDINER AUSTIN.

TURKS AND CAICOS ISLANDS.

TURKS AND CAICOS ISLANDS.

No. 3.

No. 3.

Copy of a DESPATCH from Governor Lieut.-General Sir H. K. STORKS, G.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 46.)

SIR, King's House, Jamaica, July 7, 1866.

No. 49, of 7 June 1866.

I HAVE the honour to transmit herewith a Despatch from President Moir, forwarding the Turks Islands Blue Book for the year 1865.

I have, &c.

The Right Hon. E. Cardwell, M.P., &c. &c. &c. (Signed) H. K. STORKS.

(No. 49.)

SIR, Government House, Grand Turk, June 7, 1866.

I HAVE the honour to transmit to your Excellency the Turks Islands Blue Book for 1865, prepared, I have reason to believe, with greater care and accuracy than on any previous occasion.

2. The taxes and other sources of revenue continue unchanged from those of former years, and the import and export duties imposed under Ordinances No. 20 of 1860 and No. 10 of 1862 were last year continued in force, by Ordinance No. 9 of 1865, to the month of January 1869.

Revenue and Expenditure.

3. The receipts from general revenue for 1865 were—

	£	*s.*	*d.*
Imports - - -	4,955	5	4
Exports - - -	2,606	19	4
Other sources - - -	2,403	1	10
	9,965	6	6
The balance from 1864 - -	2,599	11	1¾
	12,564	17	7¾
The expenditure - -	9,141	3	11
Leaving a balance of - -	3,423	13	8¾

in the treasury on the 1st of January 1866.

Local Revenue.

4. The receipts under the head of Crown Funds proved larger than the estimate, the latter having been put down at 2,455*l.* 18*s.* 9*d.*, while the former realized 2,812*l.* 9*s.* 2*d.*, derived thus :—

	£	*s.*	*d.*
10 per cent. on salt exported - - - - - -	2,763	7	7
Sales of Crown land - - - - - - - -	9	8	1
Rent of ditto - - - - - - -	10	0	0
Sale of water - - - - - - -	29	13	6
	2,812	9	2
Balance from 1864 - - - - - -	487	8	10
	3,299	18	0

The expenditure for piers was - -	£300	0	0	
On account of gaol - - - -	135	0	0	
Repairs - - - - -	703	12	11½	
Roads - - - - -	158	15	4½	
Water tanks and wells - - -	48	7	4	
Miscellaneous - - - -	532	10	3	
				1,878 5 11
Leaving a balance of - - - - - -				1,421 12 1

in the Crown chest on the 1st of January 1866.

5. The year 1865 afforded me the first complete financial period upon which to calculate whether or not the salt pond freehold tenure would, under that system, yield a sufficient revenue to the Crown, while conferring an equitable distribution of the assumed burthen on the new proprietors. Of the latter fact there can be no doubt; and, although it is said the salt taker has ever been loth to acknowledge any benefit, yet he has not had it in his power to escape from the confession, that the plan of collecting a uniform charge of ten per cent. on the value of salt, only when exported, is a great relief, and much superior to the former one of charging a rental—sometimes excessive, sometimes ridiculously small—for salt ponds, the lessee of which might ship little or no salt in the course of the year. And with respect to the revenue now collected under that system, it has realized within about four pounds of the sum I estimated it would, when reporting on this subject to his Grace the late Duke of Newcastle in my Despatch, No. 1, of 15th November 1862.

TURKS AND CAICOS ISLANDS.

6. From these two branches of revenue—the general revenue and the Crown funds—the following amounts have been collected in this Colony since these islands were separated from the Bahama Government; viz.:—

Year.	General Revenue.			Crown Fund.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
1849	8,441	3	2	3,743	9	8	12,184	12	10
1850	5,876	16	6	3,721	19	4	9,598	15	10
1851	5,925	18	2	3,280	16	8	9,206	14	11
1852	6,712	13	10	3,792	11	10	10,505	5	8
1853	5,772	13	9	3,564	5	7	9,336	19	4
1854	6,677	19	4	3,642	0	2	10,319	19	6
1855	5,774	16	9	3,628	13	7	9,403	10	4
1856	5,706	7	6	3,482	6	7	9,188	14	1
1857	5,938	19	2	3,527	7	9	9,466	6	11
1858	8,003	17	5	3,638	12	7	9,642	10	0
1859	7,418	17	1	3,647	13	1	11,066	10	2
1860	7,486	14	9	3,994	9	11	11,481	4	8
1861	6,604	11	2	3,150	16	10	9,755	8	0
1862	8,070	14	4	5,219	18	3	13,290	12	7
1863	8,730	16	7	2,668	19	10	11,399	16	5
1864	9,990	10	2	2,931	1	8	12,921	11	10
1865	9,995	6	6	2,812	9	2	12,777	15	8

Public Debt.

7. The last payment, made in January 1865, on account of the public debt, was a sum of 2*l.* 1*s.* 11*d.* for interest on debentures held for 17 days over the close of the year 1864. The proportion of the Bahama debt assigned to this Government on its separation from that Colony on the 25th December 1848, and the several payments made in liquidation, were as follows:—

	£	s.	d.
Proportion of Bahama debt assigned to the Turks and Caicos Islands in 1848	8,000	0	0
Paid on account in 1849, including interest, freight, &c.	2,410	11	0
Do. do. 1850 do. do.	2,281	7	11
Do. do. 1851 do. do.	778	4	5½
Do. do. 1852 do. do.	898	3	1
Do. do. 1853 do. do.	954	12	6
Paid interest on balance, 1854	91	18	4
Do. do. 1855	91	18	4
Do. do. 1856	91	18	4
Do. do. 1857	91	18	4
Do. do. 1858	91	18	4
Paid on account in 1859, with interest	1,025	15	3
Paid interest on balance, 1860	45	0	0
Do. do. 1861	45	0	0
Do. do. 1862	45	0	0
Do. do. 1863	45	0	0
Paid balance and interest in 1864	945	0	0
Paid interest for 17 days in 1865	2	1	11
	9,935	7	9½

At the close of the year 1863 the whole assigned debt of 8,000*l.*, with interest, was fully paid to the Bahama Government, by raising the balance then due, consisting of 1,838*l.* 6*s.* 8*d.*, by means of debentures issued to residents within this Colony, which were gradually retired, as shown in the foregoing statement.

Public Works.

8. The Annual Report by the Colonial Surveyor and Inspector of Public Works, which I have the honour to annex, affords full information as to those undertakings which have been accomplished during the year 1865, as well as to those now being constructed, or recommended for the future. The stonework of the new gaol has been contracted

for, and so soon as the contractor returns from America, where he is about shortly to proceed to obtain some necessary machinery, this work will be vigorously pressed to completion.

Legislation.

9. Eleven Ordinances were passed by the Legislative Council, all of which, with the exception of one, to which some modification was suggested, have been graciously assented to by Her Majesty. Among these, that establishing the money order system, thereby conferring a great boon on a Colony where the total absence of banks and a commissariat chest rendered it most difficult to make remittances to any other place than to the United States of America—that for the better protection of property from fire—that for granting a superannuation allowance to persons holding civil appointments in the public service of the Colony—and that continuing the existing revenue laws till 1869, were the most important.

Education.

10. Some interesting details have this year been furnished by the Inspector and Head Master of the Public Schools in his annual report, a copy of which I herewith transmit; but the whole system of tuition demands a thorough revision. There appears to be a want, almost a total absence, of *heart* from top to bottom in teacher and taught. Hitherto, a spirit of *laisser faire*, if not of absolute indifference, has made the periodical meetings of the Board of Education and Public Examinations an absolute drag on my time and efforts for improvement; but I am rejoiced to say I have recently been encouraged by hope of a better state of affairs for the future. We have now been blessed by the arrival among us of a clergyman who has already entered with energy and ability on his duties of religious, moral, and social improvement, and who, from long experience and practical application of the best method in imparting instruction, is eminently fitted to guide and assist me in inaugurating an efficient course of education, which may, ere long, reform and improve the indifferent method at present pursued in our public schools. I therefore look forward, with a certain amount of confidence, to more satisfactory reports on this important subject accompanying the Blue Book returns in time to come.

Imports and Exports.

11. A comparative return of the value of imports and exports for the years 1864 and 1865 furnishes the following results:—

	Imports.			
	1864.	1865.	Increase.	Decrease.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
United Kingdom	13,417 8 0	12,961 2 4	—	456 5 8
British North America	248 0 6	332 2 11	93 18 3	9 15 10
British West Indies	5,601 1 11	5,485 2 3	1,202 18 0	1,318 17 8
Africa	211 19 3	—	—	211 19 3
Foreign West Indies	23,978 13 2	30,785 7 0	12,087 8 2	5,280 14 4
United States	26,725 1 7	30,720 1 1	3,994 19 6	—
Elsewhere	12 7 10	—	—	12 7 10
Derelict	13 7 2	266 2 1	252 14 11	—
Total	70,207 19 5	80,549 17 8	17,631 18 10	7,290 0 7

	Exports.			
United Kingdom	1,627 18 10	2,547 2 10	919 4 0	—
British North America	2,482 7 9	1,627 8 6	616 8 2	1,471 7 5
British West Indies	4,462 19 9	1,676 8 5	490 7 2	3,276 19 6
Africa	—	—	—	—
Foreign West Indies	14,389 19 1	19,309 14 2	7,393 8 0	2,473 12 11
United States	30,953 1 8	36,790 15 9	5,837 14 1	—
Elsewhere	154 8 2	52 8 9	—	101 19 5
Derelict	—	—	—	—
Total	54,070 15 3	62,003 18 5	15,257 1 5	7,323 18 3

TURKS AND CAICOS ISLANDS.

Exhibiting a total increase in the value of imports of 10,341*l.* 18*s.* 3*d.*, and of exports of 7,933*l.* 3*s.* 2*d.* for the year 1865 as compared with the year 1864. But as the consumption of imports in the Colony has remained nearly stationary, the overplus has found its way towards the supply of neighbouring markets.

12. I also submit statements of the value and duties paid on imports and exports at the several ports in the Colony, of the tonnage inwards and outwards, and of the quantity and value of the staple export for the said financial periods:—

A COMPARATIVE STATEMENT of the Value of and Duties paid upon Imports into and Exports from the Turks and Caicos Islands for the Years ended 31st December 1864 and 1865, respectively; together with the Number of Vessels, Amount of Tonnage, and Number of Men, Inwards and Outwards, for the same Period.

PORTS.	1864.								
	IMPORTS.						INWARDS.		
	Value.			Duties.			No.	Tons.	Men.
	£	*s.*	*d.*	£	*s.*	*d.*			
Grand Turk	68,063	6	4	5,042	17	4	327	30,495	1,875
Salt Cay	1,739	1	4	144	10	7	46	9,245	320
Cockburn Harbour	375	12	7	53	10	0	30	4,958	212
West Caicos	21	0	0	2	9	7	11	147	62
Total	70,199	0	3	5,243	7	6	414	44,845	2,469
	1865.								
Grand Turk	76,812	16	0	4,700	19	3	381	37,304	2,357
Salt Cay	3,649	1	7	247	4	2	51	7,769	299
Cockburn Harbour	88	0	1	7	1	11	18	2,366	120
West Caicos	—			—			6	93	35
Total	80,549	17	8	4,955	5	4	456	47,530	2,811

PORTS.	1864.								
	EXPORTS.						OUTWARDS.		
	Value.			Duties.			No.	Tons.	Men.
	£	*s.*	*d.*	£	*s.*	*d.*			
Grand Turk	40,393	2	4	1,417	16	1	339	39,230	2,427
Salt Cay	8,363	10	9	739	14	4	63	10,969	414
Cockburn Harbour	5,314	2	2	451	4	0	42	6,344	284
West Caicos	—			—			11	147	62
Total	54,070	15	3	2,608	14	5	455	56,690	3,187
	1865.								
Grand Turk	47,338	11	9	1,179	0	6	388	30,976	2,431
Salt Cay	10,168	2	2	984	10	0	82	11,879	472
Cockburn Harbour	4,497	4	6	443	8	10	37	6,216	222
West Caicos	—			—			6	93	35
Total	62,003	18	5	2,606	19	4	513	49,164	3,160

A COMPARATIVE RETURN showing the Difference in the Shipping Inwards and Outwards for the Years 1864 and 1865.

INWARDS.

	British.			Foreign.			Total.		
	No.	Tons.	Men.	No.	Tons.	Men.	No.	Tons.	Men.
1864 - -	288	24,910	1,643	126	19,935	826	414	44,845	2,469
1865 - -	346	26,471	2,040	110	21,061	771	456	47,532	2,811
	58	1,561	397	16	1,126	55	42	2,687	342

This return shows,—

1. Of British vessels, their tonnage and crew, an increase in 1865 of 58 vessels, 1,561 tons, 397 men.
2. Of Foreign vessels, a decrease of 16 vessels and 55 men, but an increase of 1,126 tons.
3. A total increase of 42 vessels, 2,687 tons, 342 men.

OUTWARDS.

	British.			Foreign.			Total.		
	No.	Tons.	Men.	No.	Tons.	Men.	No.	Tons.	Men.
1864 - -	325	35,782	2,331	130	20,908	856	455	56,690	3,187
1865 - -	400	27,433	2,439	113	21,731	721	513	49,164	3,160
	75	8,349	108	17	823	135	58	7,526	27

This return shows,—

1. Of British vessels cleared outwards in 1865, an increase of 75 vessels and 108 men, but a decrease of 8,349 tons.
2. Of Foreign vessels, a decrease of 17 vessels, an increase of 823 tons, but a decrease of 135 men.
3. A total increase of 58 vessels, but a decrease of 7,526 tons and 27 men.

A COMPARATIVE STATEMENT of the QUANTITIES (in Bushels) and Value of Salt exported from the Turks and Caicos Islands for the Years ended 31st December 1864 and 1865 respectively.

	1864.		1865.	
	Bushels of Salt.	Value.	Bushels of Salt.	Value.
		£ s. d.		£ s. d.
Grand Turk - - -	680,546	16,070 7 1	565,932	12,425 14 3
Salt Cay - - -	355,064	8,341 10 10	472,560	9,918 2 2
Cockburn Harbour - -	216,576	5,314 2 2	212,852	4,497 4 6
West Caicos - - -	—	—	—	—
Total -	1,252,186	29,726 0 1	1,251,344	26,841 0 11

13. These returns evince a healthy state of commercial affairs, and the slowly increasing importance of this little Colony, owing, principally, to its admirable geographical position, in the facilities it affords to neighbouring islands as a safe and convenient depôt for English and American articles of commerce; and could I be so fortunate as to succeed in impressing Her Majesty's Government, or a company of private individuals, with the unappreciated advantages which this Island possesses in the "North Creek"—a large sheet of land-locked water, opening under the lighthouse to the sea, convertible into docks for the largest ships—I doubt not that it would eventually be as valuable to the commerce of Leeward as the foreign island of St. Thomas now is to the Windward Islands and countries in this hemisphere, and above all most important to Her Majesty's navy both now and hereafter.

14. The pre-eminent advantage which this Island possesses over all others in the West Indies is its, I may say, invariable healthiness, which ought alone to recommend this project as one worthy at least of examination and mature consideration.

TURKS AND CAICOS ISLANDS.

15. Between sunrise and sunset during last year 464 vessels navigated the Turks Islands passage, comprising 20 steamers, 5 ships, 94 barques, 233 brigs, and 113 schooners, and in all probability upwards of 200 more passed the lighthouse during the hours of darkness. From commanders of vessels of war and masters of merchantmen I have invariably heard commendation of the light on this Island, and from visits which I personally make, from time to time, I can testify that all the necessary apparatus is kept in a most efficient and orderly manner.

Population.

16. The population of these Islands is not affected much by either immigration or emigration, but from the Registrar's returns, the correctness of which I have no reason to doubt, the large proportion of births over deaths speaks well for the healthiness of our climate. These returns show that during the year 1865 there were 34 marriages, 186 births, and 82 deaths, in a population which in the census of 1861 numbered 4,372 souls. With respect to the condition of this population in a moral and religious point of view, I append the following information gathered from the Registrar's returns:—

RETURN of the Number of Births registered in the Colony of the Turks and Caicos Islands during the Years 1864 and 1865, distinguishing those Legitimate from Illegitimate.

District.	1864.									1865.								
	Legitimate.			Illegitimate.			Total.			Legitimate.			Illegitimate.			Total.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
Grand Turk -	30	24	54	14	13	27	44	37	81	29	38	67	9	10	19	38	48	86
Salt Cay - -	11	7	18	3	6	9	14	13	27	12	9	21	7	3	10	19	12	31
Caicos - -	20	31	51	9	14	23	29	45	74	4	6	10	4	6	10	38	31	69
Grand Totals	61	62	123	26	33	59	87	95	182	75	72	147	20	19	39	95	91	186

Gaols and Prisoners.

17. There was no crime of a serious nature brought before the police court, and for successive sessions of the Supreme Court there was nothing to lay before a jury. For several months past the number of prisoners in the gaol has been small, never, I believe, over six at one time, and sometimes as low as one. I find, however, from some statistics which have been furnished by the acting police magistrate, that there was an increase in 1865, over those committed in 1864, of the following offences,—assaults, quarrelling and disturbing the peace, larceny, profane and obscene language, drunkenness, and abusive language, and that these offences were committed by about 150 of the lowest class of the people, who, from their frequently being charged at the police office, contribute to largely swell the number of convictions. Other offences have been much the same as in 1864, and there has been an increase in the summonses for petty debts.

From these returns I also gather that during the year 1864 were committed 224 offences, and in 1865 267 offences, by 211 individuals. Of these persons 61 were convicted during both years of no less than 245 offences, and the remaining 150 individuals committed 246 offences during the same periods; and last year—

84 persons were convicted once,
31 „ twice,
14 „ three times,
11 „ four „
2 „ five „
3 „ six „
1 „ seven „

Charitable and Literary Institutions.

18. The poor's-house continues a useful and well-regulated institution, and is a refuge for only very aged and destitute people. Since the arrival of the Reverend Mr. Dillon constant and affectionate spiritual instruction is imparted to them, and their declining years are rendered as comfortable as the nature of the institution can admit of.

19. The public library is fairly supported, and, with the grant-in-aid from the Government, has been, I think, instrumental of much good, and of healthy mental recreation to old and young among the subscribers.

20. In conclusion, I look forward with hopefulness to the future. Zealous and pious clergymen, both of the Church of England and connected with the Wesleyan body, are now here, who are exerting their influence, and their ability in teaching, over this community. Church and week-day services were never before so well attended; a spirit of teachableness and inquiry has been awakened, and the lapse of time will show what fruit such blossoms may produce.

I have, &c.
(Signed) ALEX. W. MOIR,
President.

His Excellency the Captain-General
and Governor-in-Chief,
&c. &c. &c.

Sub-Enclosure 1 in No. 3.

Sub-Encl. 1 in No. 3.

Report of the Inspector of Public Works.

Colonial Surveyor's Office, Grand Turk,
28th March 1866.

Sir,

In conformity with the requirements of Ordinance No. 11 of 1862, I have now the honour to submit my report upon the public works completed during the year 1865; also of the works now in progress, and those contemplated for the year 1866.

Public Works completed.

Painting and repairing Government House.

This expenditure was estimated for in the Crown Funds estimate, and undertaken in January 1865. The buildings being of wood (and not having been painted for a period of nine years), the exterior was much dilapidated, and necessarily required a larger expenditure than they otherwise would. For the further protection and preservation of these buildings it will be necessary, very shortly, to renew the painting on Government House; and as the quality of paint imported is generally of an ordinary or inferior kind—that used on Government House being the best which could be procured here—and as it evidently does not seem either to protect the wood or preserve its colour, I would suggest that a better description be ordered by the Government from England for the purpose of painting all public buildings.

Saint Thomas' Church.

Since my last report of the 2d May 1865 the expenditure upon the church has been 175*l.* 9*s.* 6½*d.*, in repairing and limewashing exterior and enclosure walls, painting windows, doors, and belfry, replastering interior walls, painting ceiling, galleries, &c., and in constructing a robing room. It was also found necessary to repew the church, at an expenditure of 192*l.* 4*s.* 5*d.*, which amount has been nearly refunded to the Colonial Government by the sale of pews, which took place in December last, realizing the sum of 163*l.* 17*s.*

The improved and neat appearance of the interior of the church, the easy style of pews, and the additional accommodation afforded, has secured, to the congregation a degree of comfort long much desired.

Repairs to other Buildings.

Under this head there has been expended a comparatively small amount for repairs to the various public buildings—gaol, poor's-house, and hospital, armoury, schools—and in fitting up a building as a lock-up at Cockburn Harbour.

Roads.

The expenditure under this head, amounting to 158*l.* 15*s.* 3*d.*, has been for the general repairs of the public roads at Grand Turk and Salt Cay, also for coating with coal tar the iron connected with the railroad at West Caicos. A good and substantial road of nearly 300 yards, leading to Saint Thomas' Church, has also been undertaken and completed during the present year.

Public Wells.

The exposed state of the cattle wells at Grand Turk have heretofore entailed an annual expenditure for cleaning and removing the mud and dirt washed into them from the surrounding land; this has been, in a great measure, obviated by enclosing them with a strone curbing of stone, at a cost of 4*l.* 16*s.*

Public Wharf.

In consequence of the rapid destruction, by marine insects, of the wooden piles supporting the wharf, it was found necessary to erect in their stead stone pillars, at a cost of 74*l.* 11*s.* 6½*d.* I regret to say that nearly the whole of these pillars have been destroyed by the heavy sea which occurred here

during the severe storm in October last. This wharf being of general utility as a landing-place for passengers and their baggage, can also be made available for the landing and shipment of goods. I would therefore recommend that instead of stone or iron pillars, strong and permanent retaining walls of masonry be built and carried out to the termination of the bar or coral reef, and to be filled in between the retaining walls with loose stone and rubble. The outer part, being in deep water, to be supported with cast-iron piles, forming a jetty for the landing and shipment of cargoes.

Works in progress.

Saint John's Church.

It having been found necessary to raise the enclosure walls to this church, it was commenced during the last year, and a sum of 36*l.* 8*s.* expended. The work is being continued in a faithful and substantial although very dilatory manner, and the cost will be considerable before completion.

Hospital.

The want of a suitable place as a quarantine hospital having been long felt, the buildings and premises formerly used as a whaling establishment being offered for sale were purchased by the Government, and a contract entered into for placing them in a state of thorough repair.

From the isolated position of these buildings, being situated at the extreme south end of the island, near the Hawk's Nest Anchorage, they may be considered as the best adapted for the purposes of a hospital, either as a quarantine station, or for the reception of the sick in case of an epidemic visiting these islands.

Dwelling for Lighthouse Keepers.

The iron building ordered from England, intended as a dwelling for the keepers of the lighthouse, having arrived, the foundation is now being prepared with a view to its being erected with as little delay as possible.

The invoice of the building with all the material and fittings, delivered on board ship in the docks at Liverpool, was 382*l.* 19*s.* 5*d.*, including insurance and charges. The cost of the dwelling was estimated at 450*l.*, but the high rate of freight from England, together with other charges of landing, carriage to lighthouse, and expense of erecting, will probably increase the amount of cost to about 550*l.*, being 100*l.* in excess of estimate.

New Gaol.

The present goal being found inadequate for the purpose of carrying into effect proper prison discipline, and the health of the prisoners confined there being reported as affected by the locality of the building, it has been considered essential that a new gaol should be erected with as little delay as practicable. To facilitate the construction of a new building, and as a means of securing stone of a superior quality ready at hand to commence the work, it was considered advisable (as a preparatory measure) to enter into contract with a party to quarry and supply a number of stone for this purpose, and upon which a sum amounting to 135*l.* has been disbursed.

The Government having recently advertised for tenders for the construction of the stone work of the new gaol, and his Honour the President having been kindly furnished by the Secretary of State with a plan of a building suited to this climate, the work will be proceeded with in accordance thereto, at as early a date as possible.

Miscellaneous Works.

At Salt Cay and Cockburn Harbour.

To meet the provision of an Ordinance which passed the Legislative Council, for enclosing the several burial-grounds in the Colony, it was decided by the Executive to import from England a sufficient quantity of Francis Morton & Co.'s, "patent galvanized wire fencing" for enclosing three burial-grounds (two at Salt Cay and one at Cockburn Harbour), which have been completed during the present year.

The average cost of the two enclosures at Salt Cay will amount to the sum of 143*l.* 1*s.* 8*d.*, and that at Cockburn Harbour to 68*l.* 12*s.* 5*d.*, making in the whole 211*l.* 14*s.* 1*d.* expended on this work.

This system of enclosure is very neat, and is said to be durable, and I am led to believe will answer all the requisite purposes of a more expensive enclosure of stone.

Office for Assistant Receiver General and Police Magistrate.

The building known as the "School House," at Salt Cay, having become vacant from its inadaptation for the purposes of a school, and the situation being in a central position, an agreement has been entered into for placing it in a state of thorough repair, and for making certain alterations with a view to its being in future occupied and used as offices for the Assistant Receiver General and Police Magistrate. By this arrangement the building known as the "Town Hall" (now used temporarily as public offices) can be, as originally intended, kept as a place for holding public meetings.

Clearing Pearbush from Suburban Roads as a Sanitary Measure.

Cholera having been reported as prevailing in some of the Windward West India Islands, it was recommended by the Board of Health, as a precautionary measure, that the roads and lanes, as well as the enclosed lots, situate in the northern and southern suburbs of the town of Grand Turk be cleared of the large quantities of pearbush which had been allowed to accumulate in those districts, and which have from time to time become a receptacle of all kinds of dirt and filth. This recommendation of the

Board of Health has been partially carried into effect, and a large quantity of pearbush and rubbish has been removed, thus giving an improved and healthy aspect to this locality, but I regret to say that the action of the Government in this matter does not appear to have been appreciated by the persons intended to be benefited, as very little or nothing has been done by them to remove the large quantities of pearbush growing in their respective lots.

The clearing of these roads was commenced in January last, and the sum of 96*l.* 17*s.* 6*d.* expended. This, however, is comparatively a very small portion of the work necessary to be done, and unless proprietors will give their aid by removing from their respective lots the nuisance created from the overgrowth of pearbush within the line of roads, a sum of not less than 300*l.* will be needed to carry out fully the recommendation of the Board of Health.

Under the above circumstances, it has been deemed advisable for the present to suspend the further prosecution of this precautionary sanitary measure.

Works in contemplation.

The several works contemplated for the years 1866–7 are:—

The general repairs of the public roads at Grand Turk, Salt Cay, and Cockburn Harbour; constructing a new gaol at Grand Turk; building a pier at Cook's Hole, Salt Cay, to facilitate the shipment of salt; laying down mooring buoys for the security of vessels at Cockburn Harbour; also building a canal or watercourse to connect the Boiling-hole with the main reservoir of the salt pond at Cockburn Harbour, and building a strong and permanent enclosure of stone to the Boiling-hole.

This latter work, I am of opinion, would conduce materially to the interest of the Government as well as the proprietors,—

First.—By affording a ready and more abundant supply of sea water from the boiling spring to the public reservoir or flat, for the making of pickle, thereby considerably increasing the production of the staple.

Second.—A large portion of the Boiling-hole basin, now considered useless for salt cultivation, would by the construction of a canal be made available for that purpose by bringing into cultivation 15 or 20 acres of superior salina, which, being near the shipping place, could without injury to a single interest be disposed of by the Government, and become an additional source of revenue to the Colony.

While submitting the foregoing opinions, I am aware that the production of salt within the Colony at the present moment is far greater than the demand, and perhaps any expenditure (beyond that of providing a permanent enclosure for the protection and security of the Boiling-hole, and of excavating a channel for the conveyance of water from the Boiling-hole basin to the public reservoir) having for its object an increase of the production of our staple would under present circumstances be of very little benefit to either the proprietors of the pond or to the Government.

A. G. Wynns,
Col. Surveyor and Inspector of Public Works.

A. C. Lowe, Esquire,
Acting Colonial Secretary.

Sub-Enclosure 2 in No. 3.

Report of the Head Master and Inspector of Public Schools.

Your Honour, Grand Turk, Turks Islands, 8th May 1865.

I beg to submit for your consideration my report on the state of the Public Schools of this Presidency for the year 1865.

2. The table annexed to it shows the number of scholars both in attendance and on the register of each school during the years 1864 and 1865, and also the amount of fees collected therein during each of those years. Both in the total numbers and in the total amount of fees the comparison is somewhat unfavourable to 1865. The total daily attendance in the seven schools during the year 1864 was 266 out of 420 on the registers, whilst the numbers for 1865 were only 228 and 345 respectively. 242 and 347 represent the corresponding averages for the last seven years.

3. The fees collected in 1864 amounted to 78*l.* 11*s.* 1*d.*, whilst in 1865 they only reached 66*l.* 19*s.* 9*d.* The average amount on the last seven years is 72*l.* 2*s.* 11*d.*

4. The greatest decrease in numbers last year, as compared with 1864, is seen in the Lorimer's School, whilst the falling off in fees has taken place in the infants' school at Grand Turk (though it still figures in the table for a larger amount than any other school) and in the two schools at Salt Cay.

Turks Islands.

5. *Boys' School, Grand Turk.*—The number in this school during the last two years have been stationary; viz.,—50 in attendance out of between 60 and 70 on the register. These figures represent almost exactly the corresponding average numbers for the last seven years.

6. The fees collected in 1865, which amounted to 18*l.* 1*s.* 3*d.*, show a slight increase on those of 1864, though triflingly below the average of the last seven years.

7. *Girls' School, Grand Turk.*—The number in this school, too, during 1864 and 1865, were exactly alike, being an average daily attendance of 21 out of 30 enrolled. The corresponding numbers taken on the last seven years are 23 and 32 respectively.

8. The fees collected also last year were almost precisely the same as in 1864, and but very little below the average of the last seven years.

9. *Infants' School, Grand Turk.*—The numbers in attendance and on the books of this school during 1865 were 54 and 75 respectively, whilst in 1864 the corresponding numbers were 68 and 97 respectively.

TURKS AND CAICOS ISLANDS.

10. On comparing these two years, however, it should be borne in mind that 1864 was quite an exceptional year as regards this school. The great increase in the latter year was occasioned by the large number of families that took refuge in this Colony during the troubles which prevailed in Porto Platta, both in that and in the latter part of the preceding year. And although many of the children belonging to such families were old enough for the juvenile schools, yet they could seldom be admitted therein, until they had undergone a probationary course in the infants' school, because of their entire ignorance of the English language. Whilst, therefore, the infants' school was greatly affected by the sudden increase of the population to which I am referring, in the other schools there was no perceptible difference. Most of the refugees, however, having left this place during 1865, the infants' school may be said to have resumed again its normal condition in that year.

11. This is still more apparent from the average numbers in attendance and on the roll for the seven years ended 1865, which were 57 and 77 respectively (as seen in the subjoined return), being therefore an increase of only three in the former and two in the latter case on the corresponding numbers of last year.

12. The fees collected in the infants' school in 1865 fell considerably short of those in 1864, but the remarks I have made above with reference to numbers apply equally to the subject of fees. The amount for last year—21*l.* 7*s.* 6*d.*—is, as I have stated at the commencement of this report, in excess of that received in any other of the schools, and equals within a few shillings the average of the last seven years, as shown in the following return.

RETURN.

Infants' School, Grand Turk, from 1859 to 1865.

YEARS.	In Attendance.	On Register.	No. that left the Infants' School.	No. that entered Juvenile School.	Fees received. £	s.	d.
1859	45	59	61	8	17	8	7½
1860	62	78	63	25	23	8	10½
1861	58	77	67	16	21	4	3
1862	48	73	54	9	16	19	4½
1863	65	86	69	22	25	1	1½
1864	68	97	80	25	27	0	7½
1865	54	75	66	17	21	7	6
7	400	545	460	122	152	10	4½
Averages	57	77	65	17	21	15	9

13. Two of the columns in the above table show that the number of children that passed direct from the infants' into the boys' and girls' schools during the last seven years average but a little more than one fourth the number which left the school in that time. Of the remaining three fourths (338) some few probably entered one or other of the juvenile schools at a subsequent date; but it may safely be asserted that by far the greater part never received, nor will receive, any further *day*-school instruction. No stronger argument could be adduced to show the absolute necessity of maintaining good infant schools.

14. *Boys' and Girls' School, Salt Cay.*—The numbers in this school last year compare somewhat unfavourably with those of the preceding year. In 1864 the number in attendance was 32, that on the register 58; whilst in 1865 the corresponding numbers were 28 and 49 respectively.

15. The fees in 1864 amounted to 9*l.* 7*s.* 1½*d.*, but last year they only reached 5*l.* 18*s.*

16. *Girls' and Infants' School, Salt Cay.*—In this school there has been a large decrease in the numbers during the past year. In 1864 the attendance was 29 out of 46 on the roll, but in 1865 these numbers fell to 19 and 32 respectively.

17. The fees, which amounted in 1864 to 7*l.* 10*s.* 10½*d.*, fell in 1865 to 3*l.* 19*s.* 3*d.*

18. Now, had the small sum of one penny halfpenny per week for each scholar been paid at the Salt Cay schools, as at Grand Turk and East Harbour, about 20*l.*,—after making due allowance for absence from the island, protracted sickness, and such like (when the fee is invariably excused),—would have been realized at those schools last year, instead of something less than half that sum.

19. The teachers state, that since the decision of the Board of Education, early in 1865, not to insist in all cases on the payment of the weekly fee at those schools, they have experienced the greatest difficulty in collecting any—the parents generally trying to evade the payment at all times, if possible. Yet, to quote your Honour's own words on a recent occasion, "one or two glasses of rum less than are "now paid for at the grog shop would meet all the requirements of this demand, would enable the "parent to do his duty by his offspring, and give him the feeling of independence that, *pro tanto*, he "was securing that amount of education he had it in his power to obtain for them."

20. It is quite evident, too, from the table accompanying this report, that the leniency of the Board of Education with respect to the fees at the Salt Cay schools has not produced the effect desired—the increase of the number of children attending those schools.

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21. *Mixed School, East Harbour.*—This is the only school that shows an increase (which is but slight) in its numbers during 1865, as compared with the previous year. In 1864 the numbers in attendance

and on the register were 32 and 41, whilst last year they rose to 35 and 42 respectively. 31 and 40 are the corresponding average numbers for the last seven years.

23. *Mixed School, Lorimers.*—The decrease in the numbers at this school both in 1864 and 1865, as compared with the preceding year, was very great. In 1863 the average attendance had been close upon 50 out of about 100 enrolled; in 1864 the corresponding numbers fell to 34 and 80; and in 1865 the average on the whole year was but 21 out of 53 on the register. During the latter half of last year, however, the number of children in attendance was seldom over a dozen; and, as your Honour is aware, it was consequently decided by the Board of Education, in December last, to close that school altogether for a time at the end of the then year.

24. The late master of the school at Lorimers, the Rev. S. Kerr, who was also the Baptist Missionary at that settlement, accounts for the excessive diminution of the number of children in attendance, in the first place, to several families having left the settlement in search of more productive land on which to grow their corn, their pumpkins, and such like, most of the ground around Lorimers showing signs of exhaustion; secondly, to the boys commencing a seafaring life at an earlier age than formerly, on account of the harder times lately prevailing there; and, thirdly, to the lamentable indifference generally manifested by parents of the working classes in this Colony to the blessings of education for their children.

25. The following table shows the number of scholars that attended (being absent only occasionally) four of the juvenile schools of this Colony, during the whole of the year 1860, and how many of those same scholars remained to the end of 1864.

TABLE.

Place.	School.	Number that attended the whole School-year.				
		For 1 year. 1860.	For 2 years. 1860–61.	For 3 years. 1860–62.	For 4 years. 1860–63.	For 5 years. 1860–64.
Grand Turk -	Boys' - - -	56	40	25	23	10
	Girls' - -	24	10	5	3	1
Salt Cay - -	Boys' and Girls' -	40	15	13	10	3
East Harbour -	Ditto - - -	25	20	14	10	7
		145	85	57	46	21

26. It appears then by the above table that of the 56 scholars who attended the boys' school at Grand Turk (the principal school in the Colony) during the year 1860, 40, or five sevenths, remained to the end of 1861, or two years; 25, or five elevenths, to the end of 1862, or three years; rather less than the last number to four years; and that 10 only out of the original 56, or two elevenths, remained to the end of 1864, or five years. Out of 24 scholars who attended the girls' school during 1860, only one continued to the end of 1864; out of 40 at Salt Cay, three; and out of 25 at the Harbour, seven remained for five years. Summing up the result is, that of the original total number (145) in attendance at the four schools during 1860, only one seventh (21) remained for five years, or rather less than the average taken on the boys' school alone.

27. The closing of the school at Lorimers at the end of last year, to which I have already referred, prevents my including that school in the above table. Its effect would doubtlessly have been to present a still less favourable picture of the time that children remain in the public schools.

28. In an "Address upon the Educational Wants of the Juvenile Population of this Colony," delivered in December last before the Turks Islands Social and Moral Institute, and from which I have already briefly quoted in this report, your Honour was pleased to refer to the first school named in the foregoing table (the only one of which I had then been able to collect these statistics) in proof of one of the positions advanced in that address; viz.: "that education here is not successful because "it has not the advantage of sufficient continuity." I cannot do better, however, than quote your Honour's own words:—"I have said that these numbers have reference only to the boys' school in this "Island, and I believe that they afford a less unfavourable picture than would be presented were the "calculation to embrace the whole of the public schools in this Colony; but taking it at its best, you "will, I think, agree with me in believing that but little good can be accomplished when such a state "of things exists as is here represented. By sending your children so irregularly to school, you not "only secure a careless and fragmentary inception in the acquisition of knowledge, but the evil "becomes so chronic that, in all probability, it will continue so throughout life. Ill weeds grow apace, "and this bad habit, if cultivated, will doubtless choke all the good seed which otherwise might bear "a hundredfold to the child's everlasting advantage. Again, it is not fair that you should thus also "be the means of injuring others. It entails gross injustice on the teacher; for, in an irregularly "attended school, he has, when at longer or shorter intervals such waifs and strays make their "appearance, to begin *de novo* the initiatory lessons, so that they may not be left altogether in the back-"ground. The teacher's attention is thus distracted from the legitimate progress of the punctual "scholars in his endeavour to work up the truants to the acquisition of such knowledge as their school-"fellows have already mastered; and, the whole machine being thus thrown out of gear, much "additional labour is necessary to overcome the jar, and to cause the wheels of knowledge to again run "smoothly in the necessary harmony."

29. At the close of a public examination of the schools at Grand Turk last year, in which your Honour evinced, as usual, the deepest interest, remaining the whole time each day the examination lasted, your Honour was pleased to express the satisfaction you felt, on the whole, at the result, specifying Scripture history, mental arithmetic, geography, and singing as subjects in which the boys'

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school particularly excelled; and those views seemed to be fully shared by members of the Board of Education and other visitors present, as they certainly were by me.

30. After so satisfactory an expression of opinion respecting the attainments of the children generally, by one so intimately acquainted with the working of the public schools, it is unnecessary for me, I consider, to remark further upon that subject, and I shall therefore at once conclude this report by subscribing myself

Your Honour's most obedient, humble servant,
THOMAS OCKENDEN,
Inspector and Head Master, Public Schools.

His Honour A. W. Moir, Esquire,
President, &c. &c.,
Turks and Caicos Islands.

A TABLE showing the Average Number of Scholars in daily Attendance at, and on the Registers of, each of the Public Schools of the Turks and Caicos Islands, and also the Amount of Fees collected therein, during the Years 1864 and 1865.

Place.	School.	1864.		1865.		Fees received.					
		In Attendance.	On Register.	In Attendance.	On Register.	1864.			1865.		
						£	s.	d.	£	s.	d.
Turks Islands. Grand Turk	Boys'	50	67	50	64	17	16	4	18	1	3
	Girls'	21	31	21	30	8	6	7½	8	9	3
	Infants'	68	97	54	75	27	0	7½	21	7	6
Salt Cay	Boys' and Girls'	32	58	28	49	9	7	1½	5	18	0
	Girls' and Infants'	29	46	19	32	7	10	10½	3	19	3
Caicos. East Harbour	Mixed*	32	41	35	42	8	7	3	9	3	6
Lorimers	Ditto	34	80	21	53	0	2	3	0	1	0
		266	420	228	345	78	11	1	66	19	9

* Composed of boys, girls, and infants.

THOMAS OCKENDEN,
Inspector, &c., Public Schools.

BRITISH GUIANA.

No. 4.

BRITISH GUIANA.

No. 4.

COPY of a DESPATCH from Lieutenant-Governor MUNDY to the Right Honourable the EARL OF CARNARVON.

(No. 73.)

MY LORD, Government House, Demerara, November 30, 1866.

I HAVE the honour to transmit the annual Blue Book for the year 1865, and beg to make the following observations thereon:—

Revenue and Expenditure.

The revenue for 1865 was 309,371*l.* 11*s.* 1*d.*, against 311,524*l.* 5*s.* 7*d.* in the year 1864. This slight decrease may be attributed to the ordinary fluctuations of trade and business. The expenditure in 1865 was 300,894*l.* 8*s.* 6*d.*, against 270,344*l.* 4*s.* 6½*d.* in 1864. There was an increase under the head of public works of 15,947*l.* 6*s.* 10½*d.*, owing to the expenditure for the sea wall being paid out of the annual revenue, and not by loan as in the previous year. There was also an increase for redemption of bonds and investments for redemption of bonds of 6,372*l.*, and for riot compensation bonds, which have been altogether redeemed, of 4,731*l.* 13*s.* 4*d.*

Public Debt.

In 1865 the aggregate amount of the Colony-debt was 559,516*l.* 13*s.* 4*d.*, showing a decrease of 34,100*l.* on the previous year.

Public Works.

The principal expenditure has been for the sea wall, Georgetown, for the county gaol of Georgetown, the colonial hospital, Berbice, the police barracks and station in Georgetown, and painting of the public buildings.

Legislation.

Eighteen ordinances were enacted during the year, chiefly of a local character.

Education.

There was an increase of expenditure under this head owing to the additional number of schools and increased attendance of children. There were 117 schools, being eight in excess of 1864, and the average attendance was 5,821 in 1865, against 5,599 in 1864.

Imports and Exports.

The value of the goods imported in 1865 was 1,359,292*l.* 3*s.* 0*d.*, against 1,508,560*l.* in 1864. The decrease may be attributed to the large imports in 1864, in consequence of the two very destructive fires during that year. The value of goods exported in 1865 was 2,089,639*l.* 1*s.* 0*d.*, against 1,845,351*l.* 13*s.* 0*d.* in 1864. The value of the goods exported in 1865 in which there is an increase as compared with 1864 was of sugar 1,593,035*l.*, against 1,319,625*l.*; of rum 282,024*l.*, against 247,507*l.*; of molasses 72,272*l.* 10*s.* 0*d.*, against 56,870*l.* 10*s.* 0*d.*; of cotton 7,435*l.*, against 6,907*l.* 10*s.* 0*d.*; and of goods in which there is a decrease on the previous year the value was of hardwood 34,410*l.* 18*s.* 0*d.* in 1865, against 62,239*l.* in 1864; of rice 14,306*l.* 12*s.* 0*d.*, against 20,180*l.* 12*s.* 0*d.*; of flour 9,033*l.* 5*s.* 0*d.*, against 16,618*l.*; of foreign cotton 11,519*l.*, against 14,279*l.* 14*s.* 0*d.*; of balata 2,507*l.* 13*s.* 0*d.*, against 8,000*l.* Under other heads there was an increase in the value of the exports of about 30,000*l.* in the year 1865.

Gaols and Prisons.

There seems to be nothing under this head which requires special notice.

In conclusion, I may observe that on the whole the Colony appears to have prospered during the past year. The produce of the sugar cane, the chief staple, showed an increase of upwards of 12,000 hogsheads of sugar, 5,000 puncheons of rum, and nearly 2,000 puncheons of molasses over the year 1864.

In other respects I have no reason to doubt of the material wealth and prosperity of the country.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) ROB. M. MUNDY.

BAHAMAS.

No. 5.

No. 5.

Extract from a DESPATCH from Governor Rawson, C.B., to the Right Honourable the Earl of Carnarvon, dated Government House, Nassau, September 1, 1866.

(No. 142.)

I have the honour to submit the Blue Book of this Colony for the year 1865, together with my annual Report to accompany it.

The latter, although it does not embrace so wide a period, or enter into many details so fully described in my Report for last year, is not without interest, as showing the sudden termination of the blockade-running trade, and the quiet manner in which the trade of the Colony returned into its ordinary channels.

BAHAMAS.

REPORT.

THE year 1865 has witnessed the close of a period of profitable enterprise, and of almost feverish excitement, in the Island of New Providence, such as has seldom been experienced in any British Colony of the same size. It is not, however, the first time that this Island has been the scene of a similar extraordinary paroxysm of trade. In 1799, when the population of the Colony probably did not exceed 12,000, during the war between England and Spain in alliance with France, a trade between Nassau and the Spanish territories in the western hemisphere was carried on in British vessels, licensed under His Majesty's Orders in Council, which amounted to a third of a million sterling in six months of that year, while the imports and exports between Nassau and Great Britain amounted in the year ending 10th July 1799 to 1,071,000*l.*, and in the same year prize goods to the value of 303,983*l.* were sold by auction in New Providence.

2. On the present occasion the transition, sudden and unexpected as it was, took place without any great convulsion, commercial or social. Although many of the merchants and traders of the place were largely interested in the trade so abruptly cut off, and held heavy stocks of goods, which were little suited for any market but that from which they were now excluded, no great commercial depression was felt among the local mercantile establishments; no house fell, no insolvencies were declared, few failed to become richer during the civil war in the United States. The losses, for such there were, fell chiefly upon English and foreign houses, which had established agencies here during that period; and although a considerable stagnation of foreign trade has continued up to the present time, owing to the large stocks of imported goods remaining on hand when the war ceased, the trade of the Colony has relapsed into its ordinary channels more rapidly than could have been foreseen.

3. At the commencement of last year the blockade-running trade between Nassau and the Confederate States was at its height. The number of steamers which arrived in January and February 1865 was greater than in any two previous months, amounting to no less than 20, exclusive of 12 which were driven back by Federal cruizers, and the quantity of cotton imported in them amounted to 14,182 bales, valued at 554,675*l.*

4. But in these months the two ports of Wilmington and Charleston, to which this trade had for a considerable time been confined, succumbed to the Federal arms, and, after a short and unsuccessful endeavour to reopen the trade through other channels, all importations from the Southern States ceased. Fort Fisher, the key to Wilmington, fell on the 17th of January; the intelligence of its capture reached Nassau on the 24th of that month. Charleston was evacuated on the 10th February; the event was known in Nassau on the 18th of that month.

5. After the end of February only three vessels arrived with cargoes of cotton, two of which were from Galveston, Texas. Both of these had proceeded from this port to Havana, for the purpose of endeavouring to reopen the trade through some port in the above state. The last vessel which left this port direct for the coast of Georgia was the "Little Hattie," which cleared on the 25th February.

6. Of the 27 steamers which remained in harbour, or arrived there, after the Southern ports were closed,—

	13	cleared for England.
	4	,, Halifax.
	2	,, Bermuda.
	3	,, Havana.
	1	,, St. Thomas.
	1	,, Matamoras.
	1	,, Baltimore.
	2	remain here.
Total	27	

Some of these were new vessels, of larger tonnage and greater power than those hitherto employed; one or more had a twin screw. Some were suspected of being

intended for employment as Confederate privateers; but the suspicions appear to have been groundless.

7. Although importations from the Southern States almost ceased in February, great activity prevailed in the port for some time afterwards. Importations from other quarters continued for some weeks. The exportation of cotton to England, and the re-exportation of goods originally destined for the Confederate States to any ports in which the prospect of a market offered itself, and the re-shipment of such goods to England, continued for a considerable time, and it was not until the month of August that foreign commerce resumed its ordinary channels. Internal trade did not recover that condition until a later period. Forced sales of imported goods continued to take place at intervals, and it cannot be said that the commerce and trade of the Colony had been restored to its normal condition before the close of the year.

8. This year's Report, therefore, still applies to an exceptional state of the Colony, and must be taken to exhibit the progress of its transition from the fever of the last two years to its ordinary condition,—periods which, it must be confessed, would present but too striking and lamentable a contrast, if there were not reason to hope that the impetus given to the cultivation of cotton, and to the more active pursuit of other industrial occupations, would establish the commencement of an annually increasing approximation.

Population.

9. No enumeration has been taken of any part of the Colony during the year. In Nassau the sudden stoppage of the blockade-running trade led to the discharge of numbers of seamen, engineers, and stokers in the month of February, but the prompt action of the local Legislature in requiring due provision to be made for their maintenance by the masters of vessels discharging them, and the necessity for re-shipping them to man the vessels when removed from this harbour, prevented the mischief which it was at one time anticipated would occur from the above cause at the close of the war.

10. The temporary establishments formed in this city, and the numerous visitors attracted hither during the war, began to be broken up and to disperse in the month of March. The labouring population, which had resorted hither to profit by the active employment and inordinate wages offered to them, were slower in dispersing, and many, doubtless, have settled here, and serve to increase the former population of the island.

11. There was a marked improvement in the health of the city of Nassau during the year. Yellow fever disappeared. There were but two or three cases of it occurring in the early part of the year. The total mortality was 417, as compared with 502 in 1864. The mortality of the third quarter, during which yellow fever generally prevails, was 98, as compared with 223 in 1864. Scarcely any fevers of any description prevailed during the last three quarters of the year. The only malady deserving special notice, which has prevailed in most of the islands, has been the whooping-cough. In the out-islands the mortality has been little less than in 1864. In Nassau, during the last quarter of the year, it has been the same as in 1864. But the latter, it may be assumed, was below the average, having been affected by the excessive mortality of the preceding quarter, already noticed.

12. The number of births and deaths in the two years were :—

In 1864	-	-	Births	1,292	-	-	Deaths 996
1865	-	-	„	1,268	-	-	„ 921

The excess of births has been in the two years 643, which, on an approximate population of, say 38,000, amounts to an annual increase of less than one per cent.

13. The contrast of fatal diseases in the two years is shown by the following difference of per-centage proportions of the total mortality :—

	1864.	1865.
Febrile diseases - - -	41·4°/₀ - -	20·3°/₀
Diseases of heart and lungs - -	13·2 - -	23·3

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14. The seasons of mortality have been marked by some differences in the two years:—

	Number.		Per-centage Proportion.	
	1864.	1865.	1864.	1865.
First Quarter -	193	243	19·4	26·3
Second „ -	208	199	20·9	21·5
Third „ -	375	236	37·6	25·6
Fourth „ -	220	246	22·1	26·6
Total -	996	924	100·	100·

Education.

15. The anticipation expressed in last year's report of a rapid improvement in the management of the public schools, and a corresponding increase in the number of scholars, has been fully realised. The new inspector of schools arrived in May 1865, and before the close of the year he had visited almost all the schools. Copies of his report, and of that of the Board of Education, are annexed to this report.*

16. During the year the number of schools was increased from 25 to 30; and between May and December the average attendance of scholars had increased 57 per cent., viz., from 755 to 1,190, and the proportion of the attendance to the number of scholars on the books had improved by 10 per cent.

17. It is gratifying to be able to notice and record the lively and very general desire manifested by the inhabitants to procure education for their children, and to contribute liberally towards the erection of school buildings and the maintenance of teachers. This spirit has enabled the Board to arrange for the establishment of a much larger number of schools in the out-islands than the funds placed at their disposal, or the available revenue of the Colony, would have permitted; and the co-operation of local committees, which have been formed in each settlement in the course of the year, has proved in several ways advantageous.

Crime and Pauperism.

18. The records of the General and Police Courts exhibit a slight increase in the number of offenders brought to trial, and those of the public gaol of Nassau a considerable increase in the average daily number of persons in confinement. The number of foreign seamen (*i.e.* not belonging to the Bahamas) included in the latter had notably increased. It was to be expected that the excitement attending the breaking up of the blockade-running trade in the early part of the year, the consequent discharge, and to some extent distress, of seamen and others who had been engaged in it, and the loss of employment among the labouring class arising from the same cause, which of course first affected persons of idle habits and indifferent character, would swell the criminal calendar of the year, notwithstanding the large decrease in the floating population in the last eight months, and such has proved to be the case.

	1863.	1864.	1865.
General Court.—Convicted - - -	59	75	65
Acquitted - - -	23	24	37
Total - -	82	99	102
Police Court.—Males - - -	689	891	922
Females - - -	189	221	245
Total - -	878	1,112	1,167
Foreign Seamen.			
General Court - - - - -		5	27
Police Court - - - - - -		18	38
Total - -		23	65

* Not printed.

19. The expenditure on the maintenance of indigent sick and paupers has slightly increased during the year. Exclusive of outlay on repairs of the buildings of the New Providence Asylum, it has amounted in 1864 to 2,200*l.*, in 1865 to 2,489*l.*

Legislation of 1865.

20. The annual session of the Legislature opened on the 1st of February and closed on the 3rd of May. The following are the principal Acts which were passed during its sitting:

1 to 5. "To amend the Laws relating to Criminal Offences against the Person, Malicious Injuries to Property, Larceny, and Accessories to Criminal Acts."—Caps. 2, 3, 29, 31, and 37.
6. "To transfer the Jurisdiction of Chancellor from the Governor to the General Court."—Cap. 23.
7. "To require a Magisterial Investigation into all Cases of Wreck."—Cap. 14.
8. "To provide more effectually for the Superintendence of Public Works."—Cap. 41.
9. "To provide for the Maintenance of Out-Island Roads."—Cap. 32.
10. "To provide for the Maintenance of Dischaged Seamen."—Cap. 1.
11 and 12. "To renew and amend the Tonnage Duties."—Caps. 8 and 19.
13. "To amend the Law relating to Common Lodging Houses."—Cap. 12.
14. "To amend the Law establishing a Board of Health, and to provide an Inspector of Nuisances."—Cap. 42.
15. "To authorize the Sale of the Royal Victoria Hotel in Nassau."—Cap. 25.
16 and 17. "To provide for the temporary Increase of Salaries of Public Officers, and for a temporary Allowance to the Military."—Caps. 9 and 10.

Land and Agriculture.

21. The number and extent of grants of Crown land issued in 1865 was considerably less than in 1864. In neither year were they of any importance.

In 1864, 62 grants, 207¼ acres.
1865, 33 ditto, 117½ ditto.

The largest number were in New Providence and St. Salvador.

22. The cultivation of cotton and of the pine apple has been extended during the year. The latter is chiefly confined to the Islands of Eleuthera and St. Salvador. The former has extended from Long Island to Eleuthera, Exuma, Crooked, and Acklin Islands. It has been commenced in New Providence, and is likely to extend to other Islands. The export of Bahama cotton has increased from 24 packages in 1864, valued at 277*l.*, to 439 packages, valued at 2,360*l.* The produce of the land planted in 1865 had not been picked and shipped before the close of the year. In Long Island, where a company has been formed, the estimated quantity of land under cotton at the close of 1865 was reported to be 1,200 acres. The average produce is estimated at 250 lbs. per acre. The produce of the coming crop in that Island is therefore calculated at 300,000 lbs., or 1,200 bales of 250 lbs. each, and of a value of about 20,000*l.* Shipments of Bahama cotton sent to England have realized from 1*s.* 6*d.* to 1*s.* 11½*d.* a pound.

23. The exportation of pine apples in 1865 fell short of that of 1864, both in quantities and total value; but it is believed that the present year (1866) will exhibit the effects of the extension of plantations.

Imports and Exports.

24. The returns of these illustrate the transitional state of the commerce of the Colony during the year. In 1864 the total value of Imports was 5,346,112*l.*, including raw cotton to the value of 3,584,587*l.*, or one third (66 per cent.) of the whole amount. In 1865 the value of Imports was 1,470,467*l.*, of which 638,515*l.*, or 44 per cent., consisted of raw cotton.

25. In 1864 the total value of Exports was 4,672,398*l.*, of which 3,371,904*l.*, or almost three fourths (72 per cent.), consisted of raw cotton shipped to the United Kingdom. In 1865 the value of Exports was 2,073,474*l.*, which includes American raw cotton to the value of 838,007*l.*, or just two fifths (40 per cent.), and merchandise, chiefly manufactured goods, re-exported to the United Kingdom, amounting to about 500,000*l.*, or nearly one fourth (24 per cent.)

26. The value of native productions exported was 77,070*l.*, which exhibits an increase of 19 per cent. upon 62,478*l.*, the corresponding exportation of 1864, and upon the average of the years 1860–61, before the commencement of the blockade-running trade.

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27. The increase in the quantity of raw cotton produced in the Bahamas and exported, chiefly to the United States, has been already stated in para. 22.

28. The value of wrecked property which passed through the Customs in 1865 was unusually small, viz., 28,017*l.*,—little more than half of that landed in 1864.

29. The following statement of the amount of Customs Duties received in each Island will serve as a tolerably correct indication of the amount of direct import trade carried on in each :—

Customs Duties received in 1865.

	£	*s.*	*d.*
In New Providence - -	55,092	19	7
„ Harbour Island - -	1,853	2	4
„ Inagua - - -	1,512	5	2
„ Abaco - - -	861	11	4
„ Eleuthera - - -	748	6	6
„ Crooked Island - -	497	8	11
„ Long Island - - -	353	3	9
„ Rum Cay - -	63	19	6
„ Exuma - - -	26	16	2
„ Ragged Island - -	Nil.		
Total - -	61,009	13	3

30. As Nassau is the chief port for foreign trade, and as no account has hitherto been kept of goods transhipped from it to the out-islands, it is impossible to estimate the proportion in which the several out-islands contribute indirectly to the revenue by the purchase and consumption of goods which have paid duty in New Providence, and the receipts at Nassau last year were swollen by the local consumption caused by the blockade-running trade.

31. The value of the trade with each country, Imports and Exports, is shown in Annexures Nos. 7 and 8.*

Wrecks.

32. The number of Wrecks and Casualties during the year was considerably less than in the preceding year :—

	1864.	1865.
Wrecks -	48	30
Casualties -	19	31
Total -	67	61

33. The following Abstract shows the part of the Colony in which the Wrecks occurred, excluding Casualties :—

	1864.	1865.
To Windward :—		
North-east, Little Bahama Bank -	5	5
East, Great ditto -	10	7
South-east, ditto ditto -	13	2
South, ditto ditto -	1	1
To Leeward :—		
West, ditto ditto -	6	7
On the Great Bank - -	1	4
Central, ditto - - -	10	3
North-west, Little Bahama Bank -	2	1
Total -	48	30

34. The following were the months in which the Wrecks and Casualties happened, distinguishing the former which occurred to Windward from those occurring to Leeward. The large excess in the month of October was caused by a violent hurricane which swept across the Great Bank and up the coast of Florida, where it took an easterly course, committing great ravages among the shipping upon the American coast. Its effects, as experienced in the Bahama Archipelago, fell chiefly on the Biminis and

* Not printed.

Grand Bahama, upon the western edge of the Banks, and upon vessels caught in the tail of it, about 200 miles north and north-east of Nassau

	Wrecks.		Casualties.
	To Windward.	To Leeward.	
January	1	1	—
February	2	2	—
March	—	2	—
April	1	2	4
May	3	1	2
June	—	—	—
July	—	1	—
August	—	1	—
September	1	2	—
October	5	3	12
November	2	—	5
December	—	—	8
Total	15	15	31

35. The following statement exhibits the nationality of the several vessels in 1864 and 1865, and the decrease of British and increase of American ships, which was to be expected at the close of the American civil war :—

	1864.	1865.
British	42	27
American	18	24
French	2	1
Spanish	—	2
Dutch	—	1
Swedish	1	—
Danish	—	1
Hamburg	1	—
Bremen	—	2
Unknown	3	3
Total	67	61

36. The nature of the cargoes, in vessels actually wrecked and disabled, separately, in 1865, was as follows :—

	Wrecks.	Casualties.	Total.
Assorted	11	9	20
Colonial Produce :—			
Sugar, &c.	1	5	6
Coffee, &c.	3	1	4
Rum and Sugar	1	—	1
Cotton	—	3	3
Provisions :—			
Cattle	1	—	1
Fruit	—	1	1
Lime and Potatoes	—	1	1
Fish	1	—	1
Salt	—	3	3
Timber :—			
Lumber	3	—	3
Cooperage	1	1	2
Lignum vitæ	1	—	1
Logwood	1	1	2

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	Wrecks.	Casualties.	Total.
Other :—			
Coals	4	—	4
Guano	—	1	1
Passengers	—	1	1
In ballast	1	2	3
Not stated	1	2	3
Total	30	31	61

37. The value of wrecked property on which Customs Duties were paid, and the amount of the duties, were very much less in 1865 :—

	1864.	1865.
	£	£
Value	51,414	28,017
Amount of Duties	5,580	2,594

38. The number of men and vessels licensed for wrecking during the year was :—

At Nassau	113 vessels	666 seamen.
„ Out-Islands	117 „	379 „
Total	230	1045

39. Of the 117 vessels licensed in the out-islands,—

46	were registered at Inagua.
44	„ Abaco.
20	„ Harbour Island.
5	„ Crooked Island.
1	„ Eleuthera.
1	„ Long Island.
Total 117	

40. The tonnage of the total number was as follows :—

Under 5	47
Of 5	46
From 6 to 10	37
„ 11 „ 15	29
„ 16 „ 20	5
„ 21 „ 30	18
„ 31 „ 40	16
„ 41 „ 50	15
„ 51 „ 75	13
„ 76 „ 100	3
„ 115 „ 120	1
Total	230

Shipping.

41. The returns of Shipping for last year exhibit, of course, a large falling-off from those of 1864, amounting in tonnage to 32 per cent. ; viz. :—

Entered in 1864, ships 1,113, tonnage 183,384
„ 1865 „ 770 „ 124,669

But the decrease was confined to the port of Nassau, at which almost exclusively the blockade-running trade was carried on, and where the decrease was from 169,418 to 106,614 tons, or 40 per cent., while in the out-islands there was a large increase, viz., from 14,166 to 18,055 tons, or 27 per cent.

42. Compared with 1864 the trade with the United Kingdom, as shown by the tonnage of ships entered, had decreased from 31·1 of the whole to 25·0, that with the

West Indies had increased from 5·2 to 11·1, and that with the United States had fallen from 45·6 to less than 40 per cent. The proportion of tonnage belonging to the United Kingdom had decreased from 51 per cent. in 1864 to 45 per cent., and that of colonial shipping had increased from 20·6 to 32·1 per cent.

43. The number of vessels built in the Bahamas in 1865 was 11, their tonnage 114. The number of vessels registered in the same year, chiefly prior to the close of the American civil war, or immediately after it, was 80, their tonnage 10,338.

44. The receipts from tonnage dues at the port of Nassau during each month of the year show the gradual diminution and extinction of the foreign trade arising out of the blockade, and those from the out-islands during the whole year indicate the trifling amount of foreign trade which is affected by those dues.

Receipts in Nassau :—		£	*s.*	*d.*
1865.	January	580	16	0
	February	469	7	0
	March	327	5	0
	April	323	13	0
	May	175	3	0
	June	119	9	0
	July	76	5	0
	August	60	14	0
	September	42	16	0
	October	54	15	0
	November	77	19	6
	December	51	4	0
		2,359	6	6
Receipts from out-islands in the whole year		25	9	0
Total		2,384	15	6

Trade.

45. *Exchange.*—The rate of exchange on bills drawn by the Public Bank on London remained tolerably steady during the year, at 4 per cent. on bills at 30 days sight, and 3 per cent. on those at 60 days. The commissariat rate of exchange reached 5 per cent. in the last two months of the year.

46. *Public Bank.*—The operations of this institution had diminished by nearly one half:—

	Receipts.	Payments.
	£	£
1863	2,128,721	1,988,661
1864	3,585,574	3,413,995
1865	1,722,601	1,905,557

The cash balance at the end of the year had decreased by nearly one half:—

	£
1863	201,746
1864	373,324
1865	190,363

The chief reduction had been in American and French gold :—

	1864.	1865.
	£	£
Gold, English	34,320	28,322
„ American	178,125	47,828
„ Spanish	25,437	19,908
„ French	32,937	41
Silver	102,504	94,247
Total	373,324	190,363

The bank yielded 700*l.* of profit to the Colony during the year.

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47. *Savings Bank.*—The number of accounts opened in 1865 was only 13; the amount of deposits was 469*l.* 14*s.* 9*d.* The number of accounts closed was 7; the amount withdrawn was 142*l.* 7*s.* 11*d.* At the close of the year the number of depositors was 146, and the amount of deposits was 4,546*l.* 10*s.* 9*d.*

48. The insignificance of the transactions of this institution may be accounted for partly by its connection with the Public Bank, to which the labour of the cashier is necessarily chiefly devoted; its connection with the Government, of which the labouring classes think they ought to be suspicious, certainly without reason, as far as their mutual relations for many years past have been concerned; but above all by the number of small friendly and loan societies established in Nassau, which provide salaries for one or two officers, and create a position of social influence and pecuniary trust for their managers, which is too frequently turned to bad account, and to the spoliation of the members.

49. *Post Office.*—The returns of this department afford, as might be expected, a striking illustration of the decrease of commercial transactions, and of the correspondence which they create. The following is a comparative statement of the letters, newspapers, &c. sent through the General Post Office, Nassau, during the last two years:—

	1864.	1865.
Letters sent out of the Colony	43,903	29,794
Do. Interinsular	1,309	1,845
Do. Registered	1,934	1,135
Newspapers	11,671	8,516
Book parcels	82	115

50. The increase of the interinsular correspondence and of the book parcels is a good sign; and the amount received as commission upon money orders, viz., 266*l.* 0*s.* 3½*d.*, being 5 per cent. upon 5,318*l.* 12*s.* 1*d.* remitted to England, and upon 10*l.* 12*s.* 0*d.* received from England, shows the extent to which the public have availed themselves of the convenience offered by this branch of the Post Office, during the prevalence of high premiums upon commissariat and commercial bills.

51. *Bankruptcies and Debts.*—It is surprising that no bankruptcy or insolvency was declared during the year, and the number of cases tried before the Court of Common Pleas had decreased; viz.:—

	1864.	1865.
Claims for debt	817	768
Trover and detinue, &c.	61	73
Total	878	841

52. *Prices and Wages.*—The extreme range of the last two years abated somewhat during 1865. The extraordinary allowances to civil servants and the officers of the garrison ceased with the close of the year. But neither prices nor wages had returned to their ordinary level at that time, and, notwithstanding the reduction in the demand for labour and domestic servants, advanced rates are still demanded. Rents have fallen, but houses are scarce, and this prevents a return to ordinary rates.

53. *Public Market, Nassau.*—The receipts from tolls and stall rents fell from 1,184*l.* 4*s.* 6*d.* in 1864 to 874*l.* 9*s.* 0*d.* in 1865.

Revenue and Expenditure.

54. The Revenue of 1865 was 84,487*l.*, which fell short of that of 1864 by 22,150*l.*, or one fifth. The Expenditure of that year was 78,549*l.*; of 1864, 103,249*l.* The difference is 24,700*l.*, or nearly one fourth (24 per cent.) But in the Expenditure of 1864 was included the sum of 36,442*l.* paid for capital and interest of the Public Debt, so that the ordinary Expenditure of the two years was 66,807*l.* and 78,549*l.* respectively, and exhibited an increase in 1865 of 11,742*l.*, which is equal to 17½ per cent.

55. The balances in the Public Chest had increased between the 1st January and 31st December from 22,096*l.* 7*s.* 5*d.* to 30,129*l.* 11*s.* 1*d.*

56. The principal sources of the deficiency in the Revenue are to be found in the

Customs Duties and Shipping Dues. In the produce of the auction tax, wreckers' licences, dues on registration of shipping, and Queen's fines, there was an increase.

57. The increase in the ordinary Expenditure was spread over the several branches of the Civil Establishments and miscellaneous appropriations.

58. Some idea of the falling-off in the internal business and consumption of the Colony may be formed by a comparison of the receipts in the first and second halves of the year, which exhibits a decrease of sixty-two per cent.

	£
From 1st May to 30th June - - -	51,988
„ 1st July to 31st December - -	32,499
Total - -	84,487

The Customs Duties fell during the same periods in exactly the same proportion; viz., from 37,582*l.* to 23,427*l.*

Out-Islands.

59. It is a question of importance, but of considerable difficulty, to determine the claims of the out-islands, collectively and separately, upon the General Revenue for the support of local establishments, and assistance towards the execution of local public works. The difficulty lies in the impossibility of ascertaining the proportion of Customs Duties which is contributed by the inhabitants of each island, a matter already noticed. No account has been kept of the imported goods taken out of bonded warehouses for consumption in the out-islands, and no account can be taken of the large quantities of goods purchased in the shops of Nassau, or supplied, as advances, by shopkeepers of Nassau to their customers in the out-islands; and in making a calculation founded upon the population of each island, one is met by the uncertainty as to the present population of each, the derangement caused by the abnormal trade of the last four years, which brought a large temporary population into New Providence, and by the very great disproportion in the consumption of duty-paid articles by the inhabitants of the different islands. The wide differences in their social habits, and means of purchasing articles of luxury, or even the common necessaries of life, beyond the fruit of their own labour, the fish and grain obtained on their own shores, create another difficulty. The consumption of duty-paid articles per man in Nassau is vastly different from that of the inhabitants of Exuma or Watlings Island. But the following statements, first, of the actual receipts and expenditure in the year 1865 of each out-island in which a revenue collector exists, and, secondly, of the calculated revenue yielded by each island, after providing for the general charges incidental to all, and not practically divisible, out of the gross Customs Duties, will throw some light upon the subject.

	Total Receipts.		Total.	Total Expenditure.
	Customs.	Other.		
	£	£	£	£
Abaco - - -	861	266	1,127	1,759
Harbour Island -	1,853	342	2,195	2,692
Eleuthera - - -	748	108	856	1,312
Long Island - -	353	12	375	989
Exuma - - - -	26	11	37	387
Rum Cay - - -	63	20	83	393
Crooked Island (and Fortune Island) -	499	172	671	749
Ragged Island - -	—	15	15	222
Inagua - - - -	1,512	663	2,175	1,824
	5,916	1,620	7,536	10,331
New Providence - -	55,220	21,731	76,951	—
Other Islands - -	—	—	—	1,391
Total - -	61,136	23,351	84,487	11,722

To the latter column may be added, say 788*l.* for the transport of public officers, including the Governor, Bishop, Receiver General, Inspector of Schools, &c., and of police and prisoners, making an approximate expenditure of 12,500*l.*

60. The following calculation, which is very unfavourable to New Providence, because

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it takes the population returns of 1861, since which date the population of Nassau has increased considerably, and because it makes no allowance for the larger consumption of duty-paid articles in Nassau (including that of the military and navy) than in the out-islands, shows,—

1st. The per-centage proportion of the population in each island according to the census of 1861.

2nd. The amount of Customs Duties to which the population of each island would be entitled according to the above proportion, and assuming the gross receipts to be about 40,000*l.*, which is one third more than they were in 1861–1862.

3rd. The proportion out of that amount payable by each island towards the general Expenditure, such as the salaries of the Governor, Colonial Secretary, General Court, &c., which should be contributed by all at the same rate, and of annual Expenditure which cannot be separately stated for the several islands, which, upon a careful analysis, amounts to about 35,000*l.* a year.

4th. The balance remaining over, to which the several islands might assert a special claim in the appropriation of the Revenue.

5th. The amount of other duties and taxes, general and local, collected in each island, in respect of which the inhabitants would have a special claim in the appropriation.

6th. The total amount thus claimable by each island.

7th. The actual Expenditure of each out-island in 1865. The Expenditure of New Providence is not given, because it was seriously affected by the consequences of the blockade-running trade, which did not extend to the out-islands.

Island.	Per-centage proportion of Population in 1861.	Proportionate Amount of Customs Duties, taken at 40,000*l.*, which each Island might claim.	Proportionate Expenditure for general Purposes, taken at 35,000*l.*, chargeable against Customs Duties.	Balance of Customs Duties.	Amount of other general and local Duties collected in each Island in 1865.	Total of last two Columns.	Total Expenditure on each Out-Island in 1865.
		£	£	£	£	£	£
New Providence -	32·6	13,040	11,410	1,630	21,512	23,412	—
Abaco - -	6·7	2,680	2,345	335	266	601	1,759
Harbour Island -	5·7	2,280	1,995	285	342	627	2,692
Eleuthera - -	15·7	6,280	5,495	785	108	893	1,312
Long Island -	7·3	2,920	2,555	365	22	387	989
Exuma - -	6·5	2,600	2,275	325	11	336	387
Rum Cay - -	1·9	760	665	95	20	115	393
Crooked Island -	1·8	720	630	90	172	262	749
Ragged Island -	·8	320	280	40	15	55	222
Inagua - -	2·8	1,120	940	180	663	843	1,824
						Total of Out-Islands.	
Total -	81·8	32,720	28,590	4,130	23,131	4,119	10,331
All other - -	18·2	7,280	6,410	1,870	Nil.	830	1,391
TOTAL -	100·	40,000	35,000	5,000	—	—	11,632

61. The object of this statement is not to show that more is expended out of the Revenue on the out-islands than their own claims and the public interest demand, but that the argument very commonly used, and probably very generally believed, that the out-islands are entitled to a larger expenditure than they actually receive, on account of their contribution to the Customs Duties paid in Nassau, is not consistent with the facts, and to explain why New Providence and Nassau are entitled to a much larger expenditure of a local, and even municipal, character than the out-islands, the inhabitants of which, it has been shown, contribute so small an amount beyond their share of the expenditure required for the support of the general government of the whole Colony.

62. Upon the preceding statements it is also necessary to observe that a considerable portion of the Customs revenue received at Harbour Island is contributed by the inhabitants of Eleuthera, who draw their supplies to a certain extent from that port, and almost the whole of the export trade of that island consists of the produce of Eleuthera; also that the Customs Duties received at Inagua and Crooked Island, including Long Cay, are swollen by the produce of wrecks occurring on or near those islands, which is entered, and on which duties are paid, there, but which is afterwards sent to Nassau for consumption or re-exportation.

63. On the other hand, in estimating the claims of the out-islands, it must be borne in mind that a considerable number of the wrecks and their cargoes are brought into Nassau by boats fitted out and manned by the inhabitants of Abaco, Harbour Island,

Grand Bahama, and the Biminis; that the greater part of the cargoes saved from wrecks by the inhabitants of Inagua, Long Cay, and the neighbouring islands and cays, are, as above stated, re-shipped to Nassau; and that Nassau is the sole market for the spongers of all the out-islands. Thus employment and profit are given to the population of that city, which is also interested and shares in the profit of the pine fields of Eleuthera and St. Salvador, and in other enterprises in the out-islands. Hence the whole Colony is knit together; the populations of the capital and the out-islands receive and give reciprocal advantages, and the vital energy and well-being of the heart are increased and intensified by the health and activity of all the limbs and other members.

Public Works.

64. The expenditure under this head in the Blue Book returns was 11,585*l.* in 1865, having been 11,838*l.* in the preceding year. The sum of 1,342*l.* on account of the public abutments, which figured as a liability in last year's report, has been paid, and the liability cleared off during the present year. A contract for the erection of the new public prison in Nassau, also included among the liabilities of last year, was made in October, and the work has been commenced, and is making satisfactory progress. The sums voted in aid of public works in the out-islands have been handed over to the Local Boards entrusted with the superintendence of their execution.

Military.

65. In the month of September the garrison was reduced to one third its strength by the removal of a detachment to Jamaica, for the purpose of putting down the insurrection in that island. No portion of it was sent back before the close of the year. A small detachment of marines and seamen were landed from Her Majesty's Ship "Cygnet," then in port, to assist in garrison duty. A corps of volunteers, consisting of two companies of rifles, was formed, and afforded some relief to the weakened garrison by taking the guards on Sundays. An officer of Royal Engineers arrived in November charged with the duty of examining the proposed works for improving the defences of the city of Nassau, and of preparing plans and estimates for the most profitable expenditure of the sum voted for this service by the Colonial Legislature in its session of the present year.

Meteorology.

66. The year 1865 was characterized, as far as Nassau was concerned, by an excess of temperature, of rain, and of north-easterly winds, above the preceding year, and still more above the average of the ten preceding years. The Annexure No. 12* affords the means of comparison, of which the following are the most interesting results:—

* Not printed.

67. *Barometer.*—The mean height was somewhat greater:—

In 1865	30·03 inches.
1864	29·99 „
1855 to 1864	30·00 „

68. *Thermometer.*—The mean temperature was greater. Of the observations taken at 9 a.m. the mean was:—

In 1865	79·3
1864	76·6
1855 to 1864	76·6

The highest temperature on any one day in 1865 was 90° (in the month of August); in 1864, only 85°, occurring in July. On the other hand, the lowest temperature in 1865 was 60°, observed in February; the lowest in 1864, observed in the same month, was 64°.

69. *Rain-fall.*—This was largely above the average in 1865, viz.:—

1865	68·8 inches.
1864	65·6 „
1855 to 1864	56·0 „

It will be seen also that it did not occur at the usual seasons, and that there was an extraordinary excess in the month of October.

BAHAMAS.

Months.	Number of Inches of Rain fallen on Ground in each Month.			Per-centage Proportion in each Month.		
	Average of 1855 to 1864.	1864.	1865.	Average of 1855 to 1864.	1864.	1865.
January	2·4	2·	3·3	4·3	3·	4·8
February	2·4	2·2	1·8	4·3	3·3	2·6
March	4·5	3·2	·4	8·	5·	·6
April	2·4	3·5	·5	4·3	5·4	·8
May	6·9	11·8	7·8	12·3	18·	11·3
June	6·4	8·1	9·4	11·4	12·4	13·7
July	6·5	10·5	5·6	11·6	16·	8·2
August	6·7	12·6	13·4	12·	19·	19·5
September	5·2	3·2	4·4	9·3	5·	6·4
October	7·4	4·6	17·8	13·2	7·	25·6
November	2·8	3·6	3·9	5·	5·5	5·8
December	2·4	·3	·5	4·3	·4	·7
Total	56·	65·6	68·8	100·	100·	100·

70. This is further illustrated by the following table, which exhibits the proportion of fine and rainy days to be expected in each month, including, however, rather an excess of the latter as compared with the average of the 10 years 1855 to 1864. It also shows the season at which thunder-storms prevail, which, it appears, usher in the hurricane season, extending from the beginning of August to the end of October.

Months.	Number of Days in each Month.													
	1864.							1865.						
	Fine.	Rain.				Thunder and Lightning.	Gale.	Fine.	Rain.				Thunder and Lightning.	Gale.
		Heavy.	Steady.	Slight.	Showers.				Heavy.	Steady.	Slight.	Showers.		
January	24	1	—	—	6	—	—	25	1	2	3	—	—	—
February	21	1	2	—	4	—	—	23	—	—	2	3	—	—
March	22	—	4	—	5	—	—	29	—	—	2	—	—	—
April	25	2	1	2	—	—	—	27	—	—	1	2	—	—
May	19	7	—	—	5	7	—	21	4	1	1	4	4	—
June	17	5	1	3	4	6	—	16	4	2	3	5	3	—
July	18	5	1	6	1	6	—	23	2	3	—	3	4	—
August	14	6	8	3	—	6	—	18	8	2	—	3	5	—
September	20	—	2	1	7	—	—	19	4	1	—	6	—	—
October	21	3	—	1	6	—	—	17	7	—	—	7	—	2
November	23	—	—	—	7	—	—	24	1	—	—	5	—	—
December	30	1	—	—	—	—	—	28	—	—	1	2	—	—
Total	254	31	19	16	45	25	—	270	31	11	13	40	16	2

It must, however, be observed that, although, the quantity of rain which fell in 1865 was greater than in 1864, the number of rainy days was somewhat less.

71. Upon the average of the two years, the largest number of fine days occurred in December; the number in the four months January to April was somewhat less, and varied but little. The smallest number occurred in June and August. There was a marked decrease from April to May, and a similar increase from October to November. The average of the six months from November to April was 25 days, from May to October only 18.

72. *Wind.*—The greatest average force of wind occurred in January, and continued with slight diminution until May. The highest observed pressure occurred in January, but the only gale noticed occurred in October. This was the tail of the severe hurricane previously mentioned in para. 34.

73. The direction of the winds prevailing in 1864 and 1865 contrasts remarkably with the average of 1855–64. The excess of north-easterly, and decrease of southerly, winds are equally remarkable.

Monthly average Number of Days from each point at 9 a.m.

	1855–64.	1864.	1865.
North	1·	1·1	0·5
North-east	6·9	12·2	14·
East	6·4	4·2	4·7
South-east	6·4	8·3	7·7
South	4·9	0·8	0·2
South-west	2·9	1·0	1·4
West	1·3	0·1	0·1
North-west	0·6	2·	1·7

74. The comparative prevalence of the north-easterly wind in the different months of the year is shown in the following table:—

Number of Days on which North-easterly Winds prevailed.

	Average of 1855–64.	1864.	1865.
January	8	17	14
February	8	19	9
March	5	3	14
April	8	13	17
May	6	16	14
June	4	17	10
July	2	5	18
August	3	10	7
September	8	9	17
October	11	16	17
November	10	19	11
December	9	13	20
	82	147	168

Conclusion.

75. At the opening of the year 1865 the Colony was engaged in an intensely active and highly profitable trade arising out of the blockade of the Southern States of North America. At its close it was suffering from the re-action and stagnation caused by the sudden cessation of that trade. But much of this was owing to the change in pecuniary position and commercial aspirations which the successes of the last few years had brought about. The humble profits of the past years seem now to be insignificant. The slow growth of ordinary speculations appears to be tedious, and their cultivation to be unworthy of much labour or trouble.

76. The blockade-running trade has not established, or left the germ of, any new trade. It has not opened any new channel, nor increased the commercial relations of the Colony with any other country. But it has produced this good: It has turned the attention of the mercantile community to the means of developing existing resources, and of opening up new employments for the population of the out-islands, and fresh sources of profitable industry and commerce for all portions of the Colony.

77. A Colonial population, especially one which partakes so largely as that of the Bahamas of African origin, and among whom the recollections of the days of slavery are still so fresh, will not quickly imbibe new ideas, acquire more elevated tastes and desires, embrace a higher view of life and of its objects, or exchange its heathen Elysium of blissful idleness for the Christian's Paradise of healthful and happy industry. Nevertheless, it may be confidently anticipated that the fruits of a salutary change arising out of recent circumstances will become visible throughout the Colony in the year 1866, and that it may attain such dimensions in succeeding years as may materially alter the position of the Bahamas among the Colonial ornaments of the British Crown.

TRINIDAD.

No. 6.

TRINIDAD.

No. 6.

COPY of a DESPATCH from the Officer administering the Government to the Right Honourable EDWARD CARDWELL, M.P.

(No. 83.)

SIR, Trinidad, July 19, 1866.

I HAVE the honour to transmit herewith the statistical returns composing the Blue Book of Trinidad for the year 1865.

2. My connection with the Island as Administrator of the Government being but for a brief period, and so few weeks having elapsed since my arrival, I do not, with my slight and imperfect acquaintance with the several matters to which these returns relate, venture to offer any observations of my own thereon.

3. As the financial operations of the past year were, however, reviewed by the late Governor in a message delivered to the Legislative Council on the eve of his departure from the Colony in April last, I have annexed a copy of that communication, and I would invite attention to the concluding remarks, recording as they do his deliberate opinion, that although the year 1865 was one of great agricultural and commercial depression, yet the review of that year had largely increased the confidence previously expressed by him in the resources and in the future of Trinidad.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) EDWARD E. RUSHWORTH.
&c. &c. &c.

Encl. in No. 83.

Enclosure in Despatch No. 83, of 19th July 1866.

MESSAGE.

Mr. Chief Justice, and Gentlemen of the Legislative Council,

The supplemental estimates for the year 1865 are now before you. These estimates set forth a large expenditure unprovided for in the general estimates for that year. But the actual expenditure in 1865, under many heads, fell short of the estimated expenditure, and the supplemental estimates do not show the amount by which the actual expenditure exceeded the estimated expenditure of the year.

2. In order that you may have before you a complete and synoptical statement of the financial operations of the year 1865, I have directed that returns should be laid before you showing respectively the estimated and actual expenditure, and the estimated and actual receipts of the year.

3. The first-mentioned return shows an excess of actual over estimated expenditure (excluding payments which are items of account) of eleven thousand six hundred and sixty-nine pounds nineteen shillings and eightpence halfpenny (11,669*l.* 19*s.* 8½*d.*)

4. The second return shows an excess of actual over estimated revenue (excluding receipts which are items of account) of eleven thousand eight hundred and twenty pounds ten shillings and twopence (11,820*l.* 10*s.* 2*d.*)

5. And you will observe that the actual expenditure of 1865 exceeded the actual revenue of that year by one thousand nine hundred and three pounds ten shillings and threepence halfpenny (1,903*l.* 10*s.* 3½*d.*)

6. But this excess did not cause a deficiency in the treasury, or even exhaust the funds at the disposal of the Government for defraying the expenditure of 1865; for on the 31st December 1865 the balances in the treasury to the credit of the Government exceeded the deposits in the treasury by six thousand three hundred and eighty-three pounds (6,383*l.*)

7. And it is right that I should bring before your notice the fact that the Government expenditure in 1865 included an unusually large proportion (about eleven thousand pounds in round numbers) of the immigration expenditure for the season of 1865–66. Moreover, on the 30th December 1865 the sum of five thousand nine hundred and seventy-one pounds and twopence (5,971*l.* 0*s.* 2*d.*) was paid to the Bank of England (for interest on bonds and on the guaranteed loan, and on account of the sinking fund for the repayment of the last-mentioned debt), which was not due until the 1st of January 1866. And this expenditure was provided for in the estimates for 1866, but was not provided for in the estimates for 1865. I should add that, two half-yearly payments of the same character had been made (the first on the 2nd January, the second on the 30th June) in the year 1865.

8. These explanatory observations would not be complete if I were to omit to bring before your notice the condition, at the close of 1865, of the Colony as regards the public debt, compared with its condition in this respect at the close of the preceding year.

9. Now the debt of the Colony may properly be classified under three heads:—

Firstly.—The funded debt (secured by bonds and debentures), and for which the Government holds no counter-security.

Secondly.—The funded debt (secured by debentures), incurred by the Government for the promotion of local improvements, for which debt the Government holds counter-security (for the regular payment of the interest and gradual payment of the principal) of ample value.

Thirdly.—The unfunded debt of the Government, consisting of deposits in the treasury to the credit of the Government.

10. The funded debt, for which the Government holds no counter-security, amounted on the 31st December 1864 to one hundred and ten thousand and ten pounds (110,010*l.*), and on the 31st December 1865 it amounted to ninety-two thousand six hundred and thirteen pounds (92,613*l.*), showing a decrease of seventeen thousand three hundred and ninety-seven pounds (17,397*l.*)

11. The funded debt, incurred by the Government for local improvements, and for which the Government holds ample counter-security, amounted on the 31st December 1864 to eighty thousand four hundred and fifty pounds (80,450*l.*), and on the 31st December 1865 it amounted to eighty-six thousand eight hundred and ninety-five pounds (86,895*l.*), showing an increase (but no additional burden on the revenue) of six thousand four hundred and forty-five pounds (6,445*l.*)

12. The deposits in the treasury amounted on the 31st December 1864 to fifty thousand seven hundred and six pounds (50,706*l.*), and on the 31st December 1865 the liabilities of the Government under this head were raised to sixty-one thousand nine hundred and two pounds (61,902*l.*), showing an increased debt of eleven thousand one hundred and ninety-six pounds (11,196*l.*) But the balances in the treasury to the credit of the Government amounted to sixty-eight thousand two hundred and eighty-five pounds (68,285*l.*) on the 31st December 1865, against sixty thousand eight hundred and thirty-seven pounds (60,837*l.*) on the 31st December 1864. And while, therefore, the surplus balances in the treasury were decreased by three thousand seven hundred and forty-eight pounds (3,748*l.*) during the year 1865, there was at the close of that year an available surplus in the treasury of six thousand three hundred and eighty-three pounds (6,383*l.*) And it should be remembered that the year 1865 was one of great agricultural and commercial depression.

13. I have purposely restricted my observations to the financial operations of the past year. But, without infringing on the rule which I have thus laid down for my own guidance, I may state that the interval which has elapsed since my message of the 19th September 1865 was laid before you has largely increased the confidence which I then ventured to express to you in the resources and in the future of Trinidad.

Council Chamber, Government House,
2nd April 1866.

BARBADOS.

No. 7.

COPY of a DESPATCH from Governor WALKER, C.B., to the Right Honourable the EARL OF CARNARVON.

(No. 340.)

MY LORD, Windward Islands, Barbados, November 27, 1866.

I HAVE now the honour to furnish your Lordship with the annual Report on the condition and prospects of the Colony which usually accompanies the Blue Book.

Taxes, Duties, &c.

2. During the year 1865 there was no alteration in the import duties or other taxes.

3. Recently, however, on the 30th of June last, the additional rate of 25 per cent. upon all Customs duties, imposed in 1864 to meet an excess of expenditure, was repealed, as the object had been attained.

4. Also during the last three months an additional tax of 1*s.* on each acre of land has been imposed, and of 3*d.* in the pound on the rental of houses, for the support of a local militia force.

5. The principle has been established, as at home, of rating the postage on each half ounce over and above the first half ounce, instead of progressing by two rates at a time.

Fees, &c.

6. A new tariff of the fees to be taken in proceedings in Chancery has been established, by which the transfer of real property, when disposed of under the orders of the Court, will be considerably relieved. The fees have been adapted to the nature and amount of the work to be done, and the per-centage payable to the officers of Court on the sale of properties has been made payable on the amount of money deposited, and not on the nominal amount of the purchase money.

Revenue and Expenditure.

7. Subjoined is a statement of the revenue and expenditure for the preceding five years:—

	Revenue.	Expenditure.
	£	£
1861	98,049	115,895
1862	93,682	93,461
1863	102,572	104,795
1864	107,391	104,384
1865	103,533	99,383

8. As has been frequently explained in former years, these figures include several extraordinary receipts and payments on account of the waterworks company, the public debt, &c., and they do not, therefore, accurately represent the ordinary income and expenditure of the Island, which may be stated in round numbers to be about 90,000*l.* Of that sum 60,000*l.* was produced in 1865 from the duties on imports and tonnage, 4,500*l.* from licences to sell beer and spirits, 13,200*l.* from the duty of 1*s.* on each gallon of rum consumed in the Island, and a land tax amounting to 3,600*l.*

9. The import and tonnage duties during the last five years amounted in

	£
1861 to	54,704
1862 „	51,430
1863 „	50,945
1864 „	56,735
1865 „	60,075

10. A considerable increase is observable in the consumption of rum during 1865, which appears to rise and fall with the crop, and the amount of money consequently circulated amongst the people.

Local Revenues.

11. Under this head are classed the parochial rates, and the taxes for the maintenance of the roads, both of which are under the administration of the vestries of the respective parishes. That of the roads has been of late years a great success. They never were in a better state than at present.

Public Debt.

12. The amount of the public debt, which stood on the 1st of January 1865 at 10,000*l.*, was reduced in 1865 by the sum of 5,000*l.*, and has during the present year been entirely extinguished. This was effected, as has already been noted, through the operation of a temporary Act for increasing the import duties by 25 per cent.

Military Expenditure.

13. There cannot be said to be any militia or other local force now in existence. The provision for the Volunteer Mounted Yeomanry Corps expired at the close of 1865, and there was no fresh enrolment after that date. An Act has, it is true, been passed this year for raising other local corps, but circumstances principally arising out of the unpopularity of the measure, have retarded its organization to the present time.

Public Works.

14. I am sorry to be unable to report much progress in the only public work of any importance now being carried on, the erection of the swing bridge over the careenage. In deference to the advice of the Superintendent of Public Works, the Governor and Council ordered that the foundations for the bridge should be placed on cylinders to be sunk to a very considerable depth, and filled with concrete. The process of sinking the cylinders has been very tedious, owing chiefly to our want of appliances on the spot for remedying defects in the machinery. The delay which has occurred has, in disregard of local difficulties, induced complaint, and the consequence has been the interposition of the House of Assembly with a demand for investigation, and for the stoppage of the works while that investigation is going on.

Legislation.

15. The majority of the Acts in 1865 were to continue or amend others already in operation, or for private or local purposes.

16. The stimulus given by recent events to the cultivation of cotton led to further legislation for the protection of the grower.

17. The occupation of the new female prison at Glendairy made it necessary to increase the number of officers at that prison.

18. The jurisdiction of the police magistrates in cases of petty larceny was extended to receivers of stolen goods, and persons having in their possession anything which may be reasonably suspected of being stolen or unlawfully obtained, without being able to account satisfactorily for the same, when the value does not exceed 16*s*.

19. The Education Act of 1858, among other things, required that public schools for primary instruction to be entitled to participate in the benefit of the grants of money for educational purposes should have not less than a certain number of children in actual average attendance, and that the Education Committee in making grants to such schools should take care that they were in proportion to the amounts realized by the respective masters and mistresses from the payments of the children under their instruction, and from other sources. But this system having been found to operate unequally, and to hold out to the class of persons engaged a temptation to misrepresentation and unfair practice, an Act was passed repealing these provisions, and authorizing the Education Committee to continue to make grants to schools on their list although the average attendance of children may have fallen below the number entitling them to be placed on the list, if and so long as circumstances shall appear to them to justify it; provided that in no case shall legislative aid be afforded when the average attendance shall have fallen below a certain minimum. The Education Committee are also authorized to make rules and orders with respect to the distribution of the legislative grant, which is fixed at 5,000*l*. for two years.

20. The Act to authorize aliens to take and hold leases in this Island is a transcript of the 5th section of the Imperial Statute, 7 & 8 Victoria, cap. 66, section 5.

21. The Act to amend and continue the Trade Acts of the Island, which came into operation on the 1st of January in the present year, and is to continne in force for three years, repeals a clause of the Act of 1863 relative to the warehousing of goods, and substitutes for it a drawback on goods authorized to be constructively warehoused by the former Act, and extends the prohibition as to warehousing to pickled fish.

Council and Assembly.

22. Since the date of my last report the Council has lost two of its members,—one, Dr. Nathan Young, by death, and the other, Sir John Thomas, by resignation. Their places have been supplied by Mr. T. G. Briggs, and Mr. Joseph Haynes, both resident proprietors, the former a very large one.

23. In 1865 little change occurred in the constitution of the Assembly, but this year, in consequence of the excitement arising out of the discussions respecting a militia and volunteer force, a House has been returned of which a majority is opposed to the organization of a local military corps. Four members who were captains of the volunteer cavalry lost their seats: two retired from an unwillingness to stand a contest, one was fairly driven out of the field, and the fourth resigned on account of the number of his private engagements as an attorney.

Civil Establishment.

24. There were unusually few changes in the Civil Establishment of the Island during 1865. The only one indeed of any consequence was caused by the death of Mr. Jones, the landing surveyor of the Customs, and the appointment of Mr. Chase, of the same department, to succeed him.

25. More recently the death of Mr. C. Gill, a very old magistrate of Bridgetown, occasioned a vacancy, to which Mr. Kerr, the police magistrate of Christ Church, succeeded, while Mr. Kerr's office was supplied by Mr. Frederic Smith, who had distinguished himself at Codrington College, and had for upwards of nine years been employed in the Secretary's and Governor's offices.

Pensions.

26. A pension of 250*l*. per annum has fallen to the public by the death of Captain George Evelyn, R.N., late harbour-master and captain of the port.

Consuls.

27. There has been a change in the United States consulate, Mr. Sperry, the late consul, having retired to America, and been succeeded by Mr. Morton.

BARBADOS.

Population.

28. The ordinary natural increase of the population in Barbados since 1861 cannot be ascertained until we have another census, but there is every reason to believe that it is considerable.

29. The emigration from Barbados to Demerara still continues, though in a smaller degree than in 1863 and 1864; and if it were not for the cases of infirmity and orphanage which it throws back on the Island, I should regard the outlet as altogether a wholesome one. Last year there was a migration of some 300 mechanics and labourers to Liberia, but the accounts received from them show that they have not improved either their health or their pecuniary circumstances by the change.

Savings Bank.

30. The only one institution of the kind in the Island is under the management of the Governor in Council. The number of depositors continues to increase amongst mechanics and domestic servants, but the bank is not yet used to any extent by the agricultural labourers, for whom its advantages were mainly intended.

Education.

31. In his annual report for the year ending 30th September last the Inspector of Schools says:—

"Since my last report the Education Committee have gone upon an altered plan in "disbursing the money placed at their disposal by the legislature (2,500*l.* annually), "and this course having given new vigour to the teachers, the result of the change has "been a marked improvement in the number in attendance at the schools, along with "greater regelarity in the hours of work, and a nearer approach to faithfulness in teaching." * * * * * *

"In the year 1863 our schools were more flourishing in point of numbers than at any "time I remember, but following that year came times of depression, and many sought "to improve their condition by emigrating. It is early yet to believe that natural "increase has made good these gaps in our population; yet in comparing numbers with "that time we find 11,892 children's names on the registers, against 12,460, no great "falling off, while in the matter of average attendance (a much more reliable criterion) "we discern a positive and not inconsiderable gain, the number for 1866 being 7,947, "against 7,565 in 1863. For the last eighteen months the seasons have been more than "commonly favourable to agriculture, and the people have in consequence grown "somewhat less straitened in circumstances than the beginning of this period found "them, and this improvement has been auxiliary with the cause already described in "producing a larger average attendance in our schools during the quarter just ended "than has been attained in any preceding time."

32. A tabular statement is annexed of the number of schools in connexion with the Education Committee, and of the number of children attending them.

Imports and Exports.

33. Subjoined is the usual table of imports and exports for the preceding five years:—

	Imports.	Exports.
	£	£
1861	923,874	1,075,374
1862	913,141	1,067,612
1863	878,208	981,142
1864	910,081	925,957
1865	953,334	1,161,159

34. The value of the sugar exported in 1865 is returned at 15*l.* per hogshead, a sum, I am sorry to say, not at all warranted by the average account sales of the year.

35. The value of the cotton grown in and exported from Barbados rose from 2,915*l.* in 1864 to 7,930*l.* in 1865.

36. The sugar crop for the five preceding years was in round figures,—

	Hogsheads.
1861	49,845
1862	46,078
1863	42,436
1864	36,199
1865	47,209

In this present year, 1866, there have been shipped from the Island no less than 57,892 hogsheads, which is by far the largest crop the Colony has ever made. But the sugar has been produced at great expense in labour and manures. And the account sales received up to date do not lead to the expectation that it will, upon the whole, prove a remunerative crop to the Island.

37. The tonnage inwards during 1865 was 159,372, in 1864 it was 152,191. Of this the British vessels numbered in 1865, 136,367 tons; in 1864, 108,845 tons.

Crime.

38. In the report of 1864 I had a very sorrowful statement to make under this head, but the two genial seasons of 1865 and 1866 have had the usual beneficial effect of reducing the number of prisoners, the large majority of whom is at all times composed of persons of both sexes, convicted of petty theft. Within the last eighteen months the number of prisoners has repeatedly fallen below one half of what it was in 1864. We have, however, had returned on our hands many of the most hardened offenders in the Island, and their conduct at times has been so violent and insubordinate that I have been compelled to sanction several sentences of corporal punishment.

General.

39. The health of the Island continues to be very good, notwithstanding that there have been serious outbursts of disease in many of the Colonies around us. Guadeloupe in particular has been grievously afflicted both with cholera and yellow fever, and Demerara is at this moment suffering so much that it has been deemed necessary to withdraw the detachment of white troops and bring them up to Barbados. Native provisions are tolerably abundant; the crop of 1867 promises to be nearly as great as the unprecedented one of this year. Labour, though abundant, commands its usual price; and to all appearance there is general contentment amongst the people.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) JAMES WALKER.

Enclosure in No. 7.

STATEMENT concerning Schools for the Poor, in connexion with the Education Committee of Barbados, for the Quarter ended 30th September 1866.

Religious Denominations.	Number of Schools.			Number of Children upon the Registers.			Number of Children in average Attendance.			Certificated Masters.	Government Pupil-Teachers.
	Primary.	Infant.	Total.	Primary.	Infant.	Total.	Primary.	Infant.	Total.		
Church of England -	52	58	110	5,004	4,204	9,208	3,333	2,753	6,086	32	17
Moravian - -	8	7	15	895	508	1,403	645	308	953	2	1
Wesleyan - -	15	—	15	1,281	—	1,281	908	—	908	2	—
Totals -	75	65	140	7,180	4,712	11,892	4,886	3,061	7,947	36	18

Gross population by last Census, 152,275. Over 4 years and under 15, 46,698.

St. Vincent.
No. 8.

ST. VINCENT.

No. 8.

Copy of a DESPATCH from Governor Walker, C.B., to the Right Honourable the Earl of Carnarvon.

(No. 401.)

My Lord, Windward Islands, Barbados, August 11, 1866.

No. 230, July 28, 1866.

I have the honour to transmit to your Lordship the Blue Book of the Colony of St. Vincent for the year 1865, together with the usual report thereon by the Lieutenant-Governor.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) JAMES WALKER.

(No. 230.)

Sir, Government House, St. Vincent, July 28, 1866.

I have the honour to transmit the Blue Book of the Colony of St. Vincent for the year 1865, and to submit the following report:—

Revenue and Expenditure.

The revenue for 1865 was 18,999*l.*, being 1,360*l.* less than that for the previous year. The principal items of decrease are 1,181*l.* under the head of import duties, and 499*l.* under that of excise on rum. The decrease in the former is attributable to a diminution in the amount of articles imported, and the falling off in the rum duty is supposed to arise in consequence of the increased strength at which the rum is at present manufactured, the duty not being collected according to the strength. A decrease is shown of 438*l.* under the head of Post Office Revenue, but this is only apparent, as in the previous year the gross amount, including the proportion due to the imperial Post Office, was returned, a system which has been very properly altered in the present statement.

The expenditure of 1865 is less than that of the previous year by 1,341*l.* The principal item of decrease is under the head of Militia and Volunteers, who were fully equipped and accoutred in the former year. It is satisfactory to notice, notwithstanding the decrease in the expenditure, that the sum of 2,084*l.* was paid off on account of a local loan for immigration purposes, being 949*l.* more than the sum applied for this service in 1864.

Immigration Fund.

This fund shows a balance to its credit at the end of the year of 2,429*l.* Beyond the regular fixed charges the only expenditure has been 280*l.*, the amount of bounty on Portuguese immigrants.

Public Debt.

The entire liability of the Colony at the end of the year amounted to 1,400*l.*, which has been subsequently paid off in full. The Colony is therefore free from debt of any description.

Militia.

The militia and volunteer forces remain at about the same strength as reported by me last year. The want of an officer who has served in the regular army, to direct and instruct the corps, is severely felt, but measures have been recently adopted to supply this deficiency. There was a general muster of the corps on the 24th of May.

Public Works.

A new church is being erected at Layon, a town in the Leeward District, estimated expenditure 500*l.* A very creditable stone bridge has been constructed over the South River in Kingstown by the town wardens, at a cost of 147*l.* The usual annual amount

has been expended upon the roads throughout the Island, which, generally speaking, are in much better order than is usual in islands of a mountainous character. The sum of 250*l.* has been spent with good result upon the Colonial Hospital, an institution that has not hitherto commanded much public attention. The Government House has been placed in a tolerable state of repair at a cost of 200*l.*; 100*l.* has been spent upon the repairs of the parsonage house at Bequia, one of the Grenadines; and extensive repairs were commenced upon the Court House in the town of Kingstown, which have not been as yet completed.

Legislation.

Of the Acts passed during 1865 the most important were:—

1. "An Act for the Appointment of a Harbour Master for Kingstown, and for the "Regulation of his Duties." This is an appointment which was very much wanted, especially in case of the establishment of quarantine. Power is also given the harbour master, under the Act, to license all seamen engaged in the coasting trade, and authorizes him to refuse to grant or to cancel any such licence. The harbour master is also the only authorized pilot for the port of Kingstown.
2. "An Act to amend an Act to provide for the Establishment of a Court of Appeal." This Act requires the party appealing from a judgment of the Supreme Court to give notice of intention to appeal within three days after judgment has been pronounced, and within ten days after to execute a bond for the due prosecution of the appeal within six calendar months from the date of the bond.
3. "An Act to regulate the Fees payable to the Officer administering the Govern- "ment, and to provide for the Disposal of the same." The Act provides that after the tenure of office of the present Lieutenant Governor the fees heretofore receivable by him shall be paid into the treasury.
4. "An Act for promoting the Public Health." An enactment of this nature was rendered necessary in consequence of the appearance of cholera in the Island of Guadeloupe. It authorizes the appointment of a general board and of assistant officers of health, and defines their duties and powers. The sum of 500*l.* is granted for immediate sanitary purposes.
5. "An Act to amend the Practice and Mode of Pleading in the Supreme Court of "Judicature in this Island." This Act, as its title indicates, is for regulating the practice of the Supreme Court of Judicature, and the pleadings and other proceedings before the Court, which it assimilates as nearly as possible to those of the Courts at Westminster. Schedules and forms are attached to the Act. This Act is shortly styled "The Common Law Procedure Act, 1866."

Civil Establishment.

The only new office created during the year was that of harbour master. As this officer is, however, solely remunerated by fees, no addition is made to the charge on account of the fixed permanent establishment.

Population.

As before the passing of the Act for the registration of births and deaths in 1864 no reliable means were at hand for ascertaining the increase or decrease in the population, the return under this head is based upon the census taken in the year 1861, which shows the entire population at that date to have been 31,755, of which 2,347 were whites, 6,553 coloured, and 22,855 black. I append the first report of the Registrar-General of the Colony for the year ending the 30th June 1865, which shows that the number of births registered during that period was 1,456, while the deaths were 1,296, the excess in favour of births being 160, or 4½ per cent. upon the entire population, while the proportion of deaths was 4 per cent.

This high death-rate, as compared with the statistics of Great Britain in this respect, owing principally to the mortality prevailing among children of tender years, the Registrar-General ascribes to the absence of proper medical attendance in certain country districts. I, however, am disposed to believe that this state of things is to be attributed rather to the want of proper care on the part of the parents in supplying their children with proper sustenance, and that it is from deprivation rather than disease that the greater number of deaths occur. On this account I rather doubt whether the remedy proposed by the Registrar-General of providing paid medical attendance for the

use of the poor would meet the difficulty. The same indifference and want of natural affection towards their offspring which, I regret to say, is a trait too notoriously inherent in the negro character, and which induces neglect, would likewise prompt them to disregard a recourse to medical aid, even if placed at their door gratuitously. I, however, regarded the subject as one of such importance as to claim special reference to the Legislature.

It is to be deplored that the proportion of illegitimate births should be so large, being 61 per cent. of the whole number for the year.

Miscellaneous Numerical Returns.

Immigration.

The number of immigrants in the Colony on the 31st December was—

Indians	532
Africans	83
Portuguese	76
	691

The births during the year were 27, and the deaths 24; of these latter, 10 were of infants. The immigrants generally were in the enjoyment of good health. The offences committed by them during the year were few and trivial, only 27 having been committed to gaol, of whom 21 were for breach of contract. The immigrants continue to give satisfaction to their employers.

Ecclesiastical.

The ecclesiastical establishment remains upon the same footing as when previously reported upon. A new chapel is in the course of erection in the town of Layon, in the Leeward District of the Island.

Education.

During the year there were 19 primary schools and the grammar school in connection with the Church of England; 12 primary schools under the superintendence of the Wesleyan body; and three primary schools under the superintendence of the minister of the Roman Catholic Church.

The aggregate number of pupils in attendance at these schools, and the school for the education of the poor, was 2,284, and the average daily attendance was 1,437. In comparing the returns of the last two years an increase of 468 will be perceived.

The several schools were examined in December by the ministers respectively charged with their superintendence, and it is reported by the examiners that the teachers generally appeared to have faithfully discharged their duties during the year.

The primary schools in connection with the Church of England were supplied with books, slates, maps, &c. in the course of the last twelve months.

Imports and Exports.

The value of imports of the Colony for the year was 121,144*l.*; of this, 35,817*l.* were from the United Kingdom, 78,247*l.* from British Colonies, and 7,080*l.* from Foreign Ports. This statement shows a decrease upon the imports of the previous year from the United Kingdom of 17,873*l.* and from Foreign Ports of 7,125*l.* On the other hand, however, there is an increase upon the imports from British Colonies of 9,994*l.*

The value of exports for the year was—to the United Kingdom 140,700*l.*, to British Colonies 5,555*l.*, to Foreign Countries 1,597*l.*, being a decrease of 8,561*l.* on the exports of the previous year.

The amount of sugar exported in 1865 was 8,456 hhds., against 8,168 hhds. in the previous year, showing an increase of 288 hhds. Of rum, 1,794 puncheons in 1865, against 1,284 puncheons in 1864, showing an increase of 510 puncheons. Of molasses, 916 puncheons in 1865, against 1,418 puncheons in the previous year, being a decrease of 502 puncheons in 1865. Of arrowroot, 7,433 barrels in 1865, against 7,229 barrels in 1864, showing an increase of 204 barrels in the past year. Of cocoa, 17,440 lbs. in 1865, against 13,200 lbs. in 1864, showing an increase of 4,240 lbs. in 1865. Of cotton, 117,100 lbs. in 1865, against 29,700 lbs. in 1864, showing an increase in 1865 of 87,400 lbs. It will be thus perceived that, with the exception of molasses, there has been an increase in the amount of all the articles exported during 1865.

Manufactures, Mines, Fisheries.

There are no regular fisheries established here, but the waters of the different bays and channels are frequented during the earlier months of the year by vessels engaged in whale fishing, and, strange to say, though acknowledged to be highly remunerative, the pursuit is carried on solely by vessels under the American flag, which pay tonnage dues for the privilege of fishing in these waters. I may add, that the number of vessels so engaged is largely upon the increase of late.

Gaols and Prisoners.

There were 349 persons convicted before the several tribunals of the Colony, being 10 in excess of the convictions during the previous year; but of the entire number no less than 331 were for offences cognizable by the magistrates. Of the graver crimes against person and property, there were only 18 convictions, against 21 in 1864, and to these the native population contributed but a small proportion, it being notorious that crimes of a heinous character are committed principally by the refuse of the population of other Colonies, who establish themselves here so long as it suits their convenience. The same difficulty was experienced as in the previous year in exacting fines from the lower orders, which circumstance tended to swell the number of committals by the magistrates.

General Remarks.

I think that an examination of the several returns of the Blue Book for 1865, which have been compiled with much care, will show that I am justified in reporting favourably upon the condition of the Colony at the end of the year. Notwithstanding a small decrease in the revenue, the amount collected was sufficient to meet all local demands, to pay off the portion of the debt falling due in the year, and to leave a respectable balance to the credit of the public. The exports showed an increase as compared with the previous year. The season was propitious for agricultural operations. In consequence of the outbreak of cholera in the Island of Guadeloupe towards the close of the year, a most rigid system of quarantine was established against that Island, with the happiest results. The Colony itself was free from all epidemic disease. During a year also that will be ever memorable in the annals of the West Indies, it is satisfactory to reflect that there was no breach of the peace, or any attempt to resist lawfully constituted authority. It is true that upon the first intelligence of the outbreak in Jamaica considerable excitement prevailed among all classes of the community. Rumours of an alarming nature were circulated, which, although upon investigation proved to be either grossly exaggerated or entirely without foundation, still had the effect of creating much apprehension in the minds of the white and more respectable of the coloured classes. This state of feeling, however, was but of brief duration, as upon its becoming known that the disturbances were so summarily put down, popular excitement ceased. I fear, however, there can be but little doubt that the sympathies of the lower orders were almost universally enlisted in favour of the malcontents, and it would be hazardous to venture an opinion as to what might have been the effect produced here had a different result befallen the measures adopted for repressing the outbreak in Jamaica.

I have, &c.

(Signed) GEORGE BERKELEY.

His Excellency Governor Walker, C.B.,
&c. &c. &c.

Sub-Enclosure in No. 8.

Sub-Encl. in No. 8.

SIR, Colonial Secretary's Office, St. Vincent, August 22, 1865.

I HAVE the honour to transmit to your Excellency the abstracts which I have prepared of the births and deaths registered, under "The Births and Deaths Registration Act, 1864," during the year ended the 30th June last.

2. This being the first year that any register has been kept of the births and deaths in this government, no comparison can be had with previous years, and I can only offer to your Excellency a few remarks upon the figures contained in the annexed tables.

3. The total number of births registered is 1,456,—that of deaths is 1,296, showing an excess of (160) births over deaths during the year. Of this excess, the large proportion of 31, or nearly one fifth, is in the Grenadine district, in a population of about 2,300, giving an actual gain of 1 in 74 of the population. The country districts of this Island give a gain, respectively, as follows,—the Calliaqua district 45, or 1 in 169 of the population; the Windward 53, or 1 in 131; and the Leeward 36, or 1 in 142; the Kingstown district, with its large population of 9,300, shows 5 deaths in excess of births.

ST. VINCENT.

This may be partly owing to greater accuracy in the report of deaths, because persons dying in Kingstown and in its immediate vicinity (containing a population of about 7,000) are interred in the churchyard in town, and their deaths are reported by the rector; whereas in the country districts public burial-grounds are insufficiently provided, and, as it is known that deaths have occurred there which have not been reported according to law, it is to be presumed that deaths may have occurred which have escaped the vigilance of the registrars.

4. The number of illegitimate births is very large, being 61 per cent. of the whole number for the year. There is not much difference in the proportion in the several districts; the Grenadine district shows the lowest figure, 58 per cent., and the Kingstown district shows the highest, viz. 63 per cent. As compared, however, with the total population, the proportion of illegitimate births is much the same in each district.

5. The proportion of births in the past year to the population of the Colony is ·045, or 4½ per cent., the proportion among the whites being ·039. The proportion of deaths in the past year to the population of the Colony is ·040, or 4 per cent., the proportion amongst the whites being ·044, or $4\frac{4}{10}$ths per cent. Among the whites are included the Portuguese shopkeepers and labourers, and the Barbadian white tradesmen and labourers.

6. Comparing these proportions with statistics of Great Britain, we find that whilst the births in the Colony are fully one per cent. more than those in favourable years in Great Britian, our death-rate is nearly double the death-rate of that country; in other words, while our birth-rate is 4½ per cent. against rather less than 3½ per cent., our death-rate is 4 per cent. against 2 per cent. of Great Britain, this latter difference being caused by the high rate of mortality amongst infants and children.

7. Of the deaths during the past year, there are ·263, or $26\frac{3}{10}$ths per cent., of infants under one year of age; and if the number of still-births (·071) is added to these, the deaths reach ·334, or nearly 33½ per cent. The deaths registered at one and under three years of age give a per-centage of ·146 of the whole number; those at three and under five years give ·057; and those at five and under fifteen years give a per-centage of ·060; thus the deaths registered under fifteen years give the large per-centage of ·598, showing that of the persons who have died during the year more than one half had not arrived at maturity.

8. With respect to the deaths of infants under one year of age, the proportion in the several districts varies considerably. In the Kingstown district the proportion is only ·215, while in the Calliaqua, the Windward, the Leeward, and the Grenadine districts the proportions are respectively ·289, ·263, ·259, and ·417. To what cause is this attributable? The inference would be that the presence in the Kingstown district of two and three medical practitioners has conduced to this favourable result; for there being in the Calliaqua and Windward districts (extensive as they are) but one medical practitioner in each, and in the Leeward and Grenadine districts not even one, the inhabitants of these districts have been without the same opportunities of obtaining medical attendance.

9. Of the causes of death, I may remark that of the 189 under Class A. (zymotic) 184 are cases of fever, intermittent, remittent, and brain. Under Class B. (sporadic) "dropsy" and "consumption" appear to hold prominent places. In diseases of the stomach, organs of digestion, &c., "diarrhœa" is assigned as the cause of 111 deaths, and "dysentery" of 61; while "worms," "difficult dentition," and "thrush," with "tetanus" and "convulsions" among diseases of the brain, nerves, &c., all affecting principally infant life, have carried off 133 persons. In diseases of the lungs, &c., "whooping cough," in the fall of last year, committed frightful ravages, numbering as its victims no less than 145, mostly of the very young. In diseases of the skin, &c., leprosy is given as the cause of death of 8, and yaws of 6.

10. In reviewing these figures, it is a matter for grave consideration, whether it would not be wise, and is not possible, to devise some measure for the preservation of infantile life, such as giving stipends to medical men in each district, who should be required to attend to women of the poorer classes in childbirth, and who might be consulted gratuitously concerning sick children, and by the indigent. Valuable assistance might be derived from a class of certificated midwives, and a competent nurse on every estate might be the means of acquiring the confidence of the labourers, and of inducing them to evince a preference for residences on the estates; by which, from the care and nursing themselves and their children would receive at the hands of their employers, in excess of what could be obtained amongst themselves within their villages, many valuable lives might be saved. Some measures of this kind are evidently required. The Colony has expended a considerable sum of money, and the planters have been incurring heavy expenses for hospital accommodation, medical attendance, medicines, nurses, &c., in introducing and providing for Indian immigrants as labourers in our fields. All this while we have been in ignorance, from want of proper statistics, of the condition of our native population. With these tables before them, all interested in agriculture, and in the advancement generally of the Colony, must be struck with the amount of wealth which is annually being lost by the immense mortality among the young. A little expenditure for the care of infant life might yield a large return, many times more profitable than the introduction, at such heavy expense, of Coolies, who shortly will be draining the treasury for "return passages" to their own country, and who will take with them, to spend there, very considerable amounts of specie, amassed by their labour here, which, had it been paid to a native population, would have remained to circulate in this Colony, and, as a matter of course, to reflect back upon the people increased prosperity, and easier circumstances.

11. I regret that the law does not provide for the returns of marriages. Were these included, additional and very valuable statistical information would be obtained.

12. The appointment of a registrar to each of the islands of the Grenadines is not a satisfactory arrangement. To furnish a proper record book to each island would entail considerable and, I think, useless expense. As yet only one set of registers has been provided for the Grenadines, which has been issued to the Registrar of Bequia. The births and deaths during the past year of the smaller islands are entered in books not suited as books of record. I would suggest that the law should be altered, so as to make the registrar in Bequia responsible for the registration of all the islands, allowing him to appoint deputies in each island to report to him the births and deaths for registration

in his books. In this way there would be one set of registers for all the Grenadines, with one responsible registrar to supervise the returns, and to correspond with and make returns to the Registrar General. I would also suggest that it should be enacted that the registration of the smaller islands, for the past year, should be sent in to the Registrar of Bequia, to be recorded in his books.

13. In the first year of the operation of this Registration Act, it was to be expected that difficulties would be experienced by the registrars in getting in the returns. Great care has been given to the subject by the registrars; and some few prosecutions have been instituted to enforce compliance with the Act, more as warnings to others, than for the sake of punishing the delinquents, whose fines have been made almost nominal. On the whole, I am led to believe that the returns have been made with tolerable accuracy.

In succeeding years these difficulties must diminish; and I look forward to the abstracts of the next year as likely to afford, not only in themselves, but by comparison with these for the present year, much valuable information which may be made the basis upon which to found useful legislation for the people.

I have, &c.,
(Signed) EDWARD LABORDE,
Colonial Secretary, and Registrar-General.

His Excellency
Lieut.-Governor Berkeley.

GRENADA.

No. 9.

COPY of a DESPATCH from Governor WALKER, C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 325.)

SIR, Windward Islands, Barbados, May 18, 1866.

I HAVE the honour to transmit to you the Blue Book of the Colony of Grenada for the year 1865, together with the usual report thereon by the Lieutenant-Governor. No. 55, May 9, 1866.

I have, &c.
(Signed) JAMES WALKER.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

(No. 55.)

SIR, Government House, Grenada, May 9, 1866.

I HAVE the honour to transmit herewith the Blue Book of this Colony for the year ended the 31st of December 1865.

Revenue.

The total fixed revenue during the year 1865 is returned at 20,341*l.* 12*s.* 2*d.*, of which 8,897*l.* 14*s.* 7*d.* are the proceeds from imports, 670*l.* 19*s.* from tonnage, 1,716*l.* 19*s.* 6*d.* from licences, 1,154*l.* 12*s.* 8*d.* fees of office, 3,777*l.* 14*s.* 2*d.* tax on consumption of rum, 3,199*l.* 16*s.* 7*d.* proceeds of taxes under the annual Supply Act, and 923*l.* 15*s.* 8*d.* miscellaneous receipts, making the total amount collected for the service of the year 20,341*l.* 12*s.* 2*d.* The arrears of revenue for the previous year, amounting to 4,365*l.* 4*s.* 4*d.*, made the total available for the service of the year 24,706*l.* 16*s.* 6*d.*

As compared with the previous year there is a decrease of 772*l.* 10*s.* 3*d.*, arising chiefly from articles imported from the United States, as well as a decrease of 121*l.* 11*s.* 6*d.* under the head of tonnage. To counterbalance this there appears an increase in the duty collected on rum consumed in the Colony of 751*l.* 8*s.* 11*d.*, arising from an increased duty of 6*d.* per gallon; also in fees of office 157*l.* 15*s.* 9*d.*, and of miscellaneous receipts 245*l.* 4*s.* 2*d.*, leaving a net increase on the year of 246*l.* 3*s.* 4*d.*

After payment of 19,756*l.* 10*s.* 4*d.* during the year, there remained an available surplus of 4,950*l.* 6*s.* 2*d.* for the service of 1866.

GRENADA.

The following is a comparative statement of the revenue of 1864 and 1865:—

Revenue.	1864.	1865.	Increase.
	£ s. d.	£ s. d.	£ s. d.
Fixed - -	16,147 7 0	16,319 3 9	171 16 9
In aid - -	3,948 1 10	4,022 8 5	74 6 7
	20,095 8 10	20,341 12 2	246 3 4
Arrears -	1,504 8 11	4,365 4 4	
	21,599 17 9	24,706 16 6	

Expenditure.

The expenditure of 1865 exhibited an increase over that of the previous year of 2,521*l.* 16*s.* 11*d.*, consisting chiefly of the repayment of a loan from the Water Fund of 687*l.* 13*s.* 3*d.*, of 680*l.* 9*s.* 11*d.* to meet an excess of expenditure in the repairs of the public roads during the previous year, and 973*l.* 3*s.* 9*d.* for increased allowances and salaries, and payment of arrears of pensions.

The following is a comparative statement:—

1864.	1865.	Increase.
£ s. d.	£ s. d.	£ s. d.
17,234 13 5	19,756 10 4	2,521 16 11

Local Revenues.

The principal return under this head is that for the immigration service. There have been collected during the year under the Rum Act 1,127*l.* 5*s.* 11*d.*, on exports 525*l.* 5*s.* 4*d.*, on the re-indenture fee for back passages 1,834*l.* 8*s.* 11*d.*, and interest on moneys deposited in colonial bank 152*l.* 3*s.* 2*d.*, amounting in all to 3,639*l.* 3*s.* 4*d.*, which, with 5,803*l.* 2*s.* 10*d.*, the surplus from the previous year, made a total sum of 9,442*l.* 6*s.* 2*d.*

The expenditure for the year for salaries, for the sinking fund and interest, and other incidental expenses amounted to 1,312*l.* 3*s.* 4*d.*, leaving a surplus available for 1866 of 8,130*l.* 2*s.* 10*d.*

Public Debt.

That for immigration purposes, amounting to 9,000*l.*, is the only one existing, 7,000*l.* of which is guaranteed by the Imperial Government, and 2,000*l.* a local loan.

Legislature.

Eleven Acts were passed during the year, but the legislation has not been of an important character, beyond the Act for registering Births, Deaths, &c., a measure which was much desired, and will no doubt in time furnish valuable and useful information.

Imports and Exports.

The following return exhibits a comparative statement of the imports and exports for the years 1864 and 1865:—

Countries.	Imports.		Exports.	
	1864.	1865.	1864.	1865.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
United Kingdom - -	65,832 3 7	56,919 7 2	140,370 14 3	97,476 18 8
British Colonies - -	43,155 11 4	44,899 18 4	4,900 12 7	14,335 18 11
Foreign Countries - -	12,326 4 3	12,291 15 0	7,943 8 8	6,232 13 5
	121,313 19 2	114,111 0 6	153,214 15 6	118,045 11 0

The decrease in the exports has arisen from the falling off of the sugar crop, and that in the imports from the United Kingdom from the constant fluctuations in the value of cotton manufactured goods.

Schools.

The Legislative grant for educational purposes was 1,200*l.*, distributed by a Board of Education, presided over by the Lieutenant-Governor, as follows:—

	£
Grammar School, town of St. George	380
Normal do. do.	80
(The head master is also inspector of schools.)	
Schools in connection with the Church of England	300
Do. Roman Catholic	210
Do. Wesleyans	120
	1,090
Rents and other incidental expenses	110
	1,200

The following table shows the situation of the schools and the number of children attending them:—

Parishes.	Church of England.		Roman Catholic.		Wesleyan.		Total.
	No.	Attendance.	No.	Attendance.	No.	Attendance.	
St. George: Grammar School	1	23	—	—	—	—	
„ Normal School	1	52	—	—	—	—	
„ Town and parish	2	177	1	30	3	263	
St. John	1	72	1	21	—	—	
St. Mark	1	58	1	56	—	—	
St. Patrick	1	114	1	190	—	—	
St. Andrew's	1	70	1	90	1	25	
St. David	1	38	1	55	—	—	
Carriacou	1	28	1	31	1	61	
	10	632	7	473	5	349	1,454

The Grammar and Normal Schools are open to children of all denominations, but very few Roman Catholics or Wesleyans attend them. In the latter six lads are in training as pupil-teachers to supply masters for the schools in the out-districts. In the parish of St. George there is one school supported from the church land revenues granted by the Lieutenant-Governor.

In that of St. John two schools, supported from funds at the disposal of the Bishop. And at St. David one school, supported from the same fund.

Charitable Institutions.

The revenue of the Colony hospital was 204*l.* 14*s.* 4*d.*, this with a grant of 500*l.* from the Legislature was insufficient to meet the expenditure which amounted to 935*l.* 15*s.* 10*d.*, leaving the institution in debt 231*l.* 1*s.* 6*d.* This amount has been since provided for by an augmentation of the annual Legislative grant. The total number of patients admitted during the year was 362, of whom 69 were Coolies. There is one medical attendant provided for the poor in each parish of the Island at a salary of 100*l.* per annum. In Carriacou there is a dispensary established where medicines are dispensed to the poor, and a health officer provided at a salary of 300*l.*

The poor house is maintained by Legislative grant of 500*l.* per annum under the control of a board of guardians for the relief of the poor and destitute. The number of inmates was 25. There are also 47 persons receiving out-door relief.

The lunatic asylum is also under the superintendence of a board of guardians, and maintained at the public expense. The number of inmates was 19.

The above-named institutions are highly creditable to the Colony.

The Victoria almshouse, intended for the relief of females who had seen better days, is supported entirely by voluntary contributions. There are 10 inmates.

GRENADA.

Gaols and Prisons.

The defective state of the gaol, reported in previous Blue Books, and subsequently by the Commissioners appointed by the Administrator of the Government in 1865, as well as the law for imprisonment of debtors, have not been remedied, although the attention of the Legislature has been frequently called to this important subject.

The following return shows a decrease of 14 both on the convictions by the Supreme Court and by Magistrates; and I am happy to report that none of the convictions by the Supreme Court were for crimes of any magnitude. By this return there appears an increase of 13 debtors, most of whom are persons of the lower class, and imprisoned for debts of small amounts.

Year.	Supreme Court.		Magistrate.		Total.	Debtors.
	M.	F.	M.	F.		
1864	16	1	171	32	220	18
1865	8	5	152	41	206	31
					Decrease 14	Increase 13

Agriculture.

The produce of both sugar and cotton were from the rains setting in so early in the year, and from their long continuance, very considerably diminished. Falling prices in both those staples have been most discouraging to the planters. The crops of cocoa, however, were larger, and the prices very remunerative.

Throughout the Colony the cultivation of this valuable staple increases annually, and, should the markets continue remunerative, bids fair before many years to become the principal export of the Island.

Population.

The population is on the increase, though in the absence of any correct returns it would be difficult to show to what extent. The Island has been very healthy during the year. There has been an abscence of serious crime, and the conduct of the labouring population has been most loyal and satisfactory.

I have, &c.

His Excellency Governor Walker, C.B., &c. &c. &c.

(Signed) ROB. M. MUNDY.

TOBAGO.

No. 10.

TOBAGO.

No. 10.

COPY of a DESPATCH from Governor WALKER, C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 201.)

SIR, Windward Islands, Barbados, June 30, 1866.

No. 44, 21 June 1866.

I HAVE the honour to forward to you the Blue Book for the Colony of Tobago for the year 1865, together with a Report thereon by Lieutenant-Governor Kortright.

I have, &c.

(Signed) JAS. WALKER.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(No. 44.) Government House, Tobago, June 21, 1866. TOBAGO.

SIR,

I HAVE the honour to transmit to you the the Blue Book for the year 1865.

Tariff.

The tariff of import duties was the same as in the previous year, but the Act 24 Victoria, chapter 8, under which all duties paid into the treasury were subjected to an additional duty of 20 per cent., was repealed in May, and the Act 28 Victoria, chapter 8, was passed, increasing the duty to 40 per cent.

The import duties amounted to 3,974*l.* 13*s.* 4*d.* upon 1,851*l.* 12*s.* 6*d.* of which 20 per cent. was received, giving the sum of 370*l.* 13*s.* 4*d.* On the remainder, viz., 2,123*l.* 0*s.* 10*d.*, the larger duty of 40 per cent. was charged, yielding the sum of 849*l.* 1*s.* 7*d.*

Revenue.

The arrears of revenue, arising solely from arrearage of taxes on lands and tenements, extending over the years 1862, 1863, and 1864, amounted to no more than 63*l.* 10*s.*

The fixed revenue for the year was 5,939*l.* 16*s.* 6*d.*, the incidental revenue accruing from fines in petty sessions, rents of public lands and buildings, and rural constables' fees, was 139*l.* 6*s.* 6*d.*, and the receipts in aid of revenue, derived from licences for horses and mules, asses, guns, and boats, and from the tax on sugar estates and and other lands and tenements, were 2,616*l.* 2*s.* 4*d.*, making the total available revenue, including the arrears of the previous year, 8,758*l.* 15*s.* 4*d.*

Expenditure.

Including the sum of 1,494*l.* 18*s.* 4*d.* arrears of expenditure for 1864, the expenditure appears by the Blue Book to have amounted to 10,061*l.* 2*s.* 8*d.*, but the actual expenditure was not more than 8,566*l.* 4*s.* 4*d.*, viz.—

	£	*s.*	*d.*
Ordinary and fixed expenditure of Government -	7,400	19	1
Contingent and accidental expenses - - -	973	17	6
Disbursements on account of miscellaneous civil services -	191	7	9
	8,566	4	4

Excluding therefore the arrears of revenue and expenditure of the previous year, the actual expenditure was less than the actual revenue by 129*l.* 1*s.*

Comparative Statement of Revenue and Expenditure.

	£	*s.*	*d.*
Actual revenue of 1864, not including 62*l.* 12*s.* arrears of previous year - - - - - -	8,365	5	7
Actual revenue of 1865, not including 63*l.* 10*s.* arrears -	8,695	5	4
Increase in 1865 - -	329	19	9

This increase may be ascribed to the additional 20 per cent. levied on import duties from the 1st June, and to the assessed tax on sugar estates and other lands and tenements having been raised from 7½ to 10 per cent.

	£	*s.*	*d.*
Actual expenditure in 1864, not including arrears of previous years amounting to 1,326*l.* 12*s.* 1*d.* - - -	8,620	0	7
Exdenditure in 1865, not including arrears of former years 1,494*l.* 18*s.* 4*d.* - - - -	8,566	4	4
Decrease in 1865 - -	53	16	3

Loans.

In 1847 the Colony borrowed from the Imperial Government 20,000*l.* at 3¼ per cent. interest, for the relief of the sufferers by the hurricane of that year, giving as security for the payment of capital and interest a first lien on the revenues of the Island; the last instalment will be due next year. At the close of 1865 there was a balance of 2,800*l.* due by the Colony.

Legislation.

Several measures were passed by the Legislature in the course of the year, the most important of which are,—

1. "An Act relating to Lands in the Colony, commonly called the Three Chains Act."

The intention of this Act was to secure to the contiguous proprietors the belt of land running along the sea-shore, called the Queen's Three Chains, reserved to the Crown, but on which storehouses and other buildings have been pretty generally erected.

2. A new Criminal Code comprised in six Acts.

3. "An Act to provide additional Funds in aid of the Revenue of this Island."

4. "An Act to increase the Rates and Taxes on Lands, Tenements, and Hereditaments in this Island."

Imports and Exports.

The value of the imports in 1865 is set down at 47,481*l.*, upon which duties were received amounting to 5,194*l.* 8*s.* 3*d.* In 1864 the imports were valued at 49,782*l.*, showing a decrease in 1865 of 2,301*l.*

The value of exports for 1865 was 46,762*l.*, against 48,961*l.* in 1864. This falling off may be ascribed to the low price of produce in the home market, and to the continuous wet weather, which prevented the planters from taking their crops off the ground.

Education.

There has been some increase in the number of children attending the schools, as the following returns show:—

Day Schools.	Attendance.
Church of England	814
Moravian	818
Wesleyan	572
Total in 1865	2,204
Total in 1864	2,185

The above return of the attendance in the Wesleyan Schools embraces both Day and Sunday School scholars, whereas the Church of England and Moravian returns give a separate statement of the numbers attending their respective Sunday Schools as follows:—

Sunday Schools.	Attendance.
Church of England	953
Moravian	469
	1,421

Agriculture.

The number of estates in cultivation is set down in the Blue Book at 62. I think there must be an error in the return, as I find that in 1863 there were 71 in full cultivation. This discrepancy may in some measure be accounted for from the fact that several estates have lately been sold by order of the Commissioners for sale of Incumbered Estates, and as these properties were some time previously to the sale permitted to go partially out of cultivation, they have probably not yet resumed their full extent of cultivation, and have not therefore been included in the return of estates in cultivation.

This Island possesses the advantage of a proprietary body generally resident in the Island, the proportion of resident to absentee proprietors being, I should say, as four to one.

The cultivation of cotton has increased to a considerable extent, and persons are becoming alive to the benefit of selecting good and unmixed seed for planting, and of bestowing more careful cultivation on the plants than has hitherto been thought necessary.

Police.

During the year 1865 the Reserve Police Force, composed of discharged soldiers from the West India Regiments, was done away with. These men received a suit of clothing yearly, and sixpence a day, and if called out for service, the regular pay of the police during the time they were so employed. The majority of the men were becoming infirm, and incapable of discharging police duties, and put the Colony to considerable expense. The Inspector of Police, with the sanction of the Executive, entered into an arrangement with a limited number of the most robust and intelligent men, by which they are bound to do duty whenever required, receiving a suit of clothing yearly, and police pay while employed.

Prisons and Prisoners.

The prison called the Common Gaol of Tobago, at Fort King George, is for its size a good and commodious building, but it is not sufficiently extensive to admit of the separate system being fully carried out. As far as practicable, however, the proper classification of the prisoners is observed. The health of the prisoners during the year was good; there was no epidemic disease among them, and all the sickness that prevailed was of a febrile character.

Crime has evidently not increased. The total number of persons committed during the year was 143 males and 31 females, and of these the majority were sentenced to short terms of imprisonment by the police magistrates for petty thefts.

The greatest number of prisoners at any one time was 28 males and 1 female.

General.

The above remarks show that if the Colony has not made any rapid or marked progress, it has not retrograded.

The finances have slightly improved, the Revenue having been rather above that of the previous year, and the Expenditure somewhat less. Education has not been neglected; and considering that each religious body receives only 100*l.* per annum from the Legislature in aid of their schools, I think I may venture to say that it is in a satisfactory state.

Crime has not increased, and the offences for which imprisonment has been awarded, were not generally of a grievous character.

Legislation was tolerably active; but I cannot allude to this subject without making some remarks on the difficuly of inducing the Legislative Houses to act in concert. The Assembly, as at present constituted, is working well and seems anxious to adopt measures for the good of the Island, particularly such as have a tendency to improve the financial condition of the Colony; but there appears to be a feeling of apathy in the Council which must be a source of irritation to the Assembly, and of embarrassment to the Government. It has thus happened, that on more than one occasion useful measures passed by the Assembly have been lost, either in consequence of the apparent unwillingness of the Members of Council to attend and patiently to weigh the merits of the measures before them, or in consequence of their discussing Bills in their first stages, and then allowing the Session to close without proceeding any farther in the consideration of them.

Far be it from me to say that I believe any feeling of opposition to, or desire to thwart the views of the Assembly exists, but I think the course I have alluded to is more calculated to irritate that body than a rejection of its measures after a fair consideration of them.

In conclusion it is pleasing to me to be able to state, that the population appears happy and contented; and that the labouring class does not exhibit that feeling of antagonism towards the employers, which is to be found in some of the Colonies. This is alike creditable to the masters and to the labourers.

I have, &c.

Governor Walker, C.B., &c. &c.

(Signed) C. H. KORTRIGHT.

St. Lucia.
No. 11.

ST. LUCIA.

No. 11.

Copy of a DESPATCH from Governor Walker, C.B., to the Right Honourable Edward Cardwell, M.P.

(No. 325.)

Sir, Windward Islands, Barbados, May 23, 1866.

No. 80, 17 May 1866.

I have the honour to transmit to you the Blue Book of the Colony of St. Lucia for the year 1865, together with the usual Report thereon by the Administrator of the Government.

I have, &c.
(Signed) JAS. WALKER.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(No. 80.)

Sir, Government Office, St. Lucia, May 17, 1866.

I have the honour to transmit herewith the Blue Book of this Colony for 1865, in duplicate, accompanied by the usual Returns. My remarks upon its contents, and the condition of the Colony during that period, need be but brief. There is little to note beyond what has appeared in previous reports, and that little, I regret to add, is not altogether of a favourable character. By this I do not mean to say that the Colony has retrograded, but as the year has, from a financial point of view, been decidedly a bad one, I shall be forced to show, that notwithstanding a loan which was had recourse to in an early part of it, its close, found the general revenue much below the expenditure proper of the period. But notwithstanding this drawback, coupled with the dulness of trade and the loss of crop, sustained by the planters through the heavy rains which deluged the country during great part of the ordinarily dry as well as the wet season, I consider that the Colony has held its ground tolerably well, and I trust there is every prospect of its being in an improved position at the close of the current year.

Revenue.

2. The general revenue fell off to an extent which was certainly not anticipated. It only amounted to 11,550*l.* 13*s.* 5*d.*, which was short of the receipts of 1864 by 1,397*l.* 19*s.* 4*d.*, although collected from the same sources. To this must be added 1,000*l.* borrowed from the Roads and Bridges Fund, and a sum of money (176*l.* 14*s.* 0*d.*) transferred from the Loan Fund, making the total amount available as general revenue 12,727*l.* 7*s.* 5*d.*

3. Not only was this amount less than last year, but it also was much below the estimates.

	£	*s.*	*d.*
Estimated general revenue for 1865 - -	13,912	0	0
Actual ditto for ditto - - -	11,550	13	5
Difference - -	2,361	6	7
General revenue for 1864 - -	12,948	12	9
Ditto 1865 - - -	11,550	13	5
Difference - -	£1,397	19	4

4. The deficiency was mainly caused by the falling off in the import and excise duties.

	£	*s.*	*d.*
Import duties collected in 1864 - -	5,644	11	1
Ditto in 1865 - - - -	4,710	8	1
Decrease - -	934	3	0

	£	s.	d.
Rum (excise) duty collected in 1864 - -	4,476	4	5
Ditto in 1865 - - - -	4,023	12	0
Decrease - -	452	12	1

5. During the last half of the year an ordinance was in force, under which a policeman was told off in each of the three districts of the island to assist the revenue officers in carrying out the provisions of the excise laws, and more stringent regulations were imposed for this purpose. The deficiency in the duty occurred during the first half of the year, and it may be assumed, therefore, that the new ordinance had some effect in checking evasions of duty which are very generally supposed to prevail. In connection with this subject it may be mentioned, that the result of the first four months of this year have proved satisfactory.

6. A glance at the returns of imports for 1864 and 1865 will show a diminished importation in nearly every article. Ground provisions were plentiful, which may account for the decrease in some of them, but the same reason cannot be assigned for the general diminishment of all articles. The crop was larger than that of the previous year, and but for the heavy rains would have been still greater. The price of cotton goods was lower. The population slightly increased, and yet the fact remains, that there was a very material decrease in the imports. It should be added, that the price of imported provisions was high, and it will be seen from the subjoined table that the consumption of flour fell off nearly 1,000 barrels, which in turn was less by 3,449 barrels than in 1863; and salted meats nearly one half of the amount of the previous year.

		Imported in 1864.	Imported in 1865.	Decrease.
Candles, tallow - -	cwts.	431	287	144
Cheese - - -	,,	72	39	33
Coffee - - -	,,	193	53	140
Flour (wheat) - -	barrels	4,789	3,817	972
Cottons and linens -	value	£24,886	£20,571	£4,315
Fish, salted - -	cwts.	7,039	6,197	842
Ditto, pickled - -	barrels	656	189	467
Lard - - -	cwts.	278	202	76
Meats (salted) - -	lbs.	174,131	87,874	86,257
Soap - - -	cwts.	1,071	840	231
Tobacco, unmanufactured,	lbs.	60,275	39,440	20,835

7. An additional duty of one half per cent. was imposed upon all imports, with a few trifling exceptions, for the redemption of the loan of 1,000*l.*, already alluded to. It came into force on the 5th of May and produced 176*l.* 14*s.* 0*d.* (net). This, by a special provision in the ordinance, was set against the small amount borrowed the previous year, but the proceeds of this and succeeding years will be applied to redeem the loan.

8. The revenue was helped slightly by the speculation which sprang up in satin wood. This wood became, temporarily, it is to be feared, in demand in the home market, and licences were purchased by mercantile houses and others here, to cut timber on portions of the Crown lands, where it was to be found. There is no doubt also that the wages paid to the wood-cutters and to piroguemen and others employed in conveying the wood to the port of shipment had a favourable effect upon trade and so upon the revenue. The sum realized by the sale of licences of two years' duration, was 192*l.* 18*s.* 0*d.*, and the number of acres included in them 2,482.

9. The total revenue raised from all sources is shown under its different heads in the annexed table:—

	£	s.	d.
General revenue (including loan of 1,000*l.* and net proceeds of one half per cent., import duty) - - -	12,727	7	5
Education - - - - -	578	18	7
Roads and bridges - - - - - -	993	3	5
Immigration - - - - -	1,764	12	6
Military property fund - - - - -	171	15	11
Total - -	16,235	15	11

Export Duties.

10. There was a slight increase in the proceeds of these duties last year, owing to the crop being larger. They amounted to 1,888*l.* 15*s.* 5*d.*, which was appropriated as follows :—

	£	*s.*	*d.*
Interest on and sinking fund for redemption of loans, amounting to 18,000*l.*	1,311	10	9
Education	158	19	8
Roads and bridges	418	5	0
Total	1,888	15	5

Imports and Exports.

	Imports. £	*s.*	*d.*	Exports. £	*s.*	*d.*
1861	110,063	19	8	96,321	8	2
1862	93,606	15	1	87,991	15	0
1863	69,583	0	0	83,711	17	5
1864	90,363	1	3	111,383	15	11
1865	70,757	18	8	107,321	8	4

11. This table shows the value of the imports and exports for the last five years. The decrease in the imports has already been noticed. The sugar exported, though greater in quantity was less in value, which is the main cause of the difference in the exports :—

	Hhds.	Tierces.	Barrels.	Value.
1864	5,539	265	5,308	£95,700
1865	5,918	529	5,038	£92,404

12. The declared value of satin wood shipped last year was 749*l.*, as against 125*l.* the previous year. The quantity shipped this year, to date, is 29,910 cubic feet, being 18,692 cubic feet more than the quantity exported in 1864. The declared value is 5,879*l.*

Expenditure.

13. The general expenditure has been kept down as low as possible, and yet, notwithstanding the money borrowed, the liabilities of the last two months of the year had to stand over until January, when they were paid.

	£	*s.*	*d.*	£	*s.*	*d.*
Estimated expenditure of 1865				14,148	4	0
Amount actually paid during 1865	12,300	19	1			
Arrears paid in January 1866	1,470	0	9			
				13,770	19	10
Difference				377	4	2

There was no new item of expenditure and nothing which calls for any comment.

14. The total expenditure of the Colony is shown in the subjoined table :—

	£	*s.*	*d.*
General expenditure including arrears (1,470*l.* 0*s.* 9*d.*) paid this year	13,770	19	10
Education including arrears (248*l.*) paid this year	1,216	5	9
Immigration, including interest on and sinking fund for the redemption of the guaranteed loan of 15,000*l.*	2,720	15	7
Roads and bridges, including interest on and sinking fund for the redemption of the guaranteed loan of 3,000*l.*	820	5	9
Military property fund	108	11	4
Loan fund (cost of collection)	9	7	2
	18,646	5	5

Public Debt.

15. The investment in the three per cent. reduced annuities to form the sinking fund for the redemption of the guaranteed loans (18,000*l.*) amounted at the close of the year

to 5,144*l.* 11*s.* 1*d.* The only other liability, which, however, cannot be classed as a public one, is the 1,000*l.* borrowed from the Roads and Bridges Fund, for the repayment of which ample provision has been made.

Roads and Bridges.

16. Owing to the damage done to the roads by the heavy rains, a larger amount of hired labour was employed upon them than the previous year. The excess of expenditure was about 270*l.*

Local Revenue and Expenditure.

17. The Corporation raised during the year 1865 for the purposes of the town 699*l.* 7*s.*, which was 79*l.* 6*s.* 9*d.* less than the previous year. Their expenditure (according to the published account) was only 503*l.* 3*s.* 1½*d.*, but it does not include 170*l.* due to the Colony for the services of the police placed at their disposal.

Of this sum their establishment cost 252*l.* 8*s.* 4*d.*, namely,—

	£	*s.*	*d.*
Salary of town clerk and treasurer, printer, and clerk of the market	206	13	4
Rent of town hall	30	0	0
Fee to revising barrister and assessor	15	15	0
	252	8	4

18. A comparison of this amount with the revenue collected forms an argument in favour of an opinion that I have very often heard expressed, namely, that the institution is unsuited to the capacity of the place. Before the municipality was established, the service of the town was performed by unpaid town wardens, and no revenue collected, except through the Treasury. There can be no doubt that under this system a larger sum could be spent on the town without increasing the burden borne by the ratepayers.

Legislation.

19. Twelve Ordinances were passed by the Legislature during 1865, all of which have been confirmed. They are given below in chronological order, with a brief explanation of the object and scope of each.

Ordinance No. 1, 14th January. This is an Ordinance amending and consolidating the laws relating to immigration. It consolidates the effective portions of 15 Ordinances, ranging from 1836 to 1863, and introduces the more recent modifications in the immigration system, which from time to time have received the sanction of the Secretary of State.

No. 2, 9th March. This Ordinance effects a change in the times of holding the Criminal Sessions of the Royal Court. Under the previous law these sessions (three in number during the year) were commenced on fixed days of the month, and consequently when that day fell on a Friday or Saturday both inconvenience was occasioned to witnesses and jurors coming from a distance, as the Court had frequently to adjourn over Sunday, and additional expense to the Colony. The present Ordinance substitutes the fourth Tuesday in February and the second Tuesday in June and October as the day on which the business shall commence, so that, except in a very exceptional case, the sittings will be held from day to day until the business is disposed of.

No. 3, 9th March. The supplementary estimates for 1864 are covered by this Ordinance.

No. 4, 5th May. Power is given by this Ordinance to borrow (if necessary) 1,000*l.* from the Roads and Bridges Fund to be applied to the deficiency in the general revenue in 1864, and to the anticipated deficiency in 1865, and for the purpose of repaying the loan (with four per cent. interest) an ad valorem duty of half per cent. is laid upon all articles imported into the Colony, with a few trifling exceptions. This tax is to be collected up to the 1st January 1870, with the proviso that it shall cease whenever enough money has been collected to pay off the loan.

No. 5, 25th May. This Ordinance establishes regulations for the more efficient collection of duties imposed upon rum made and consumed within the Colony. Under it the excise staff is increased, and greater powers conferred upon them. The obligations upon distillers are in some cases more clearly defined, and penalties attached to breaches of them. Altogether the excise law is much improved by this Ordinance, and it is expected that under it the revenue from this source will be increased.

ST. LUCIA.

No. 6, 20th July. This is the Annual Tax and Appropriation Ordinance for 1866. The only alteration of any importance in it consists of an augmentation in the price of licences to distil rum and other spirits. Hitherto the price of one has been so small (10*s.*) that it might be considered more as a fee for registration than as imposed for revenue purposes; but one of the principal reasons for raising the price is to check the use of small stills. A more effective supervision can also be exercised over a few large stills than over a number of small ones scattered throughout the Colony, and much benefit is expected to result from this measure. The charge is regulated by the capacity of the still, as is shown by the following table:—

	£
Licence for a still not exceeding 100 gallons - - -	15
Ditto exceeding 100 gallons and not exceeding 200 gallons -	20
Ditto „ 200 „ „ „ 300 „ -	25
Ditto „ 300 „ - - - - -	30

Thirty-six licences were taken out last year under the nominal charge, and only 19 this year under the new scale.

No. 7, 20th July. Since the year 1855 Ordinances of short duration have been passed, raising the export duty on logwood from 2*s.* to 8*s.* per ton. The present Ordinance simply continues the duty at this rate permanently.

No. 8, 22d August. This Ordinance was passed to correct a mistake which had taken place in connection with the jurors' lists for the ensuing year.

No. 9, 22d August. In previous Reports the immigrant hospital system has been frequently noticed. Towards the close of 1861, Government hospitals were established at Castries, Soufriere, and Vieux Fort, to which the planters were obliged to send the sick immigrants in their employ. These were attended by medical officers, salaried by Government, who also visited the sick upon the estates. Towards the support of the system, each employer was required to pay 10*s.* per annum for each immigrant indentured to him, and 6*d.* per diem subsistence money when any of his people were in hospital. As the indentures of each shipment of immigrants determined, it was thought advisable to allow them to enjoy the advantages of the system gratuitously; but at last so few remained under indenture that the expense became more than the Immigration Fund could conveniently bear, which necessitated an alteration. Under this Ordinance, therefore, power was given to the Governor to suspend the clauses in the Consolidated Immigration Ordinance relating to the medical treatment of immigrants, and during that suspension it was provided that the employers of indentured immigrants should be bound to furnish them with proper medical attendance, the medical tax being given up. The hospitals were accordingly closed on the 31st December, and arrangements made by the employers of the few immigrants remaining under indenture in accordance with the Ordinance. It should be added that an establishment is still kept up in Castries (the immigration depôt) for the gratuitous admission of unindentured immigrants who may be labouring under "extreme sickness, age, or great infirmity."

No. 10, 22d August. In 1852 an export duty of one penny per pot (two quarts) was placed upon "farine manioc," an article which enters very largely into consumption in this Colony. It is beyond doubt that in reality this was a prohibitory duty, and that its object was to prevent labourers from cultivating the article largely, instead of working upon the estates. It was introduced and passed upon the earnest recommendation of the planting interest at the board, and it need hardly be added that the real object was not avowed.

Since that time the revenue produced has been practically nothing, and it has been thought advisable to repeal the tax, by which means not only will producers be able to take advantage of more favourable markets than the home market, but it may be expected that a channel of relief will be found for the stock, which in some seasons is over abundant, and falls below a remunerative price.

No. 11, 24th October. This Ordinance was passed to enable the Government to borrow 660*l.* from the Immigration Fund, for the purchase of a dredge to deepen the water near the wharves of the port of Castries. It has been ordered, but has not yet arrived.

No. 12, 30th December. As there was no quarantine law in the Colony, and the cholera was raging in the Island of Guadeloupe, this Ordinance was passed "to prevent the introduction of contagious and infectious diseases into this Island." Under it the Governor in Council is empowered to make from time to time rules, orders, and directions concerning quarantine and the prevention of infection, and a penalty not exceeding 20*l.* is attached to a breach of any of them.

Education.

20. Although no new school was established last year, none were given up. Annexed is a return which shows the increase and decrease of scholars on comparing 1864 with 1865. The Roman Catholic Committee expended upon schools, under the direction of the clergy of that church, 635*l.* 10*s.*, and the Protestant Committee 575*l.*, of which 469*l.* was handed over to the trustees of the Mico schools. In addition to this the trustees expended 993*l.* 10*s.* 4*d.*, making (with some additional charges) the total amount devoted to education 2,209*l.* 16*s.* 1*d.* No charge is made to the scholars. One of the rules, which is binding upon the Board of Education, is, that no grant shall be made to any school in which the English language is not effectually taught, and in which the general instruction shall not be conveyed in that tongue to all pupils who can understand it sufficiently. All the schools referred to obtain Government grants, and they are therefore all under the operation of this rule. By this means the growing generation are taught to speak English, as well as the barbarous dialect which is substituted by the native population for French, and is a corruption of it. Besides the public and free schools, there are two private seminaries returned in the Blue Book, one in which 39 girls are instructed by the Sisters of St. Joseph, and the other conducted by a lady, who has 17 pupils, two boys and fifteen girls. The Nuns' School is of great utility to the families who cannot afford to send their children to Europe for education, and is very well conducted. The other I have had no opportunity of forming an opinion about.

Numbers of scholars,—

	1864.	1865.	Increase.	Decrease.
Mico schools - -	925	893	0	32
Roman Catholic schools -	798	885	87	0
Total - -	1,723	1,778	87	32

Prisoners.—Crime.

21. The number of prisoners committed to gaol last year was 581; of these 12 had been convicted once, 16 twice, and 6 three or more times before. This is an increase of 59 over the previous year. The number tried at sessions was only 38, of whom 30 were convicted and eight acquitted. There was no capital case. The other commitments were from the magistrates' courts, and for trifling offences. Sixty-nine of the persons committed were Coolies, for absenting themselves without leave, refusing to work, assaults, &c.

Agriculture.

22. The crops of this Colony have remained almost stationary for years. In some years a little more sugar is produced, and in others a little less; but the great difference which appears in the annual returns of some of the other Colonies, caused by the abandonment of estates on account of low prices and want of credit, and the loss from exceptional weather, does not obtain here. The following table shows the amount of produce exported for the last six years:—

	Sugar.	Molasses.	Rum.	Cocoa.	Cotton.
	lbs.	Gallons.	Gallons.	lbs.	lbs.
1860 - -	7,958,165	122,400	29,221	212,482	—
1861 - -	9,594,000	115,680	11,040	238,213	—
1862 - -	8,762,415	104,800	8,275	191,392	—
1863 - -	8,725,125	111,200	15,299	251,732	1,650
1864 - -	8,110,025	126,900	2,070	221,757	18,296
1865 - -	8,579,146	119,900	16,638	289,097	11,390

The crop of 1864 was affected by the unusual drought which prevailed, and that of last year by the heavy rains. But for these circumstances the returns ought to have equalled those of the preceding years. And, considering that the Colony has gone to great expense in importing foreign labour, it is far from satisfactory to observe the least diminution of the staple articles of export. Indeed an increase, and that an appreciable one, might very reasonably have been expected to have resulted from this outlay. It should be noticed that the greater part of the rum manufactured in the Colony is consumed here. The production of cotton seems to be falling off.

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Population.

23. Correcting the numbers arrived at in the Census taken in 1861 by subsequent returns, it would appear that the population of this Colony consisted, at the close of the year, of 29,444 persons, of whom 14,535 were males, and 14,907 females.

Immigration.

24. During the last year two more lots of Coolies completed their five years' service under contract. Those by the "Victor Emanuel" in February and by the "Zemindar" in April. There only remain under indenture those who arrived in the "Ulysses" in February 1862, and a few of the Africans by that vessel and the "Damietta." The regular reports of the magistrates, medical officers, and Immigration Agent have been uniformly favourable. The results of the hospitals, as compared with the previous year, are shown in the following table:—

	1864.	1865.
Coolies admitted - -	470	473
„ discharged - - -	442	489
„ died - - -	18	19
Africans admitted - -	17	26
„ discharged - -	20	23
„ died - - - -	1	3

At the close of the year there were 1,109 Coolies known to be in the Island, of whom 1,050 were actually upon estates. Owing to their wandering habits, and to the fact that some have retired into the more remote parts of the Island, it is difficult, now that so many are unindentured, and free to go where they like, to obtain a very accurate account of them. 251 Coolies and 22 Africans remain under indenture at the present time. From the gaol books it appears that 69 Coolies were imprisoned during 1865. Of the former, seven were convicted before the Royal Court, and sentenced to periods of imprisonment varying from three years to six months. The others were for the most part commitments from the Court of Petty Sessions for assaults and other trifling offences, and for being absent from the estates to which they were indentured without leave. 793 certificates of discharge were issued during the year, and 87 licences to leave the Colony. In May 1867, the first lot of Coolies, those who were brought here in 1859 by the "Palmyra," will be entitled to claim a free passage back to India; but a provision has been made in the Consolidated Immigration Ordinance, under which the Governor is empowered in such cases, with their consent, to make them a grant of Crown land instead. The health of the immigrants throughout the year has been very good. The greatest number of Coolies upon any estate is about 50.

25. The cost of hospitals and medical attendance for 1865 was 1,234*l.* 3*s.* 10*d.* Of this, only 462*l.* 5*s.* 6*d.* was defrayed by the proceeds of the Medical Tax and Subsistence Money, &c., leaving the balance (772*l.*) to be borne by the Immigration Fund.

I have, &c.
(Signed) J. M. GRANT,
Administrator.

His Excellency James Walker, Esq., C.B.,
Governor in Chief,
&c. &c. &c.

ANTIGUA.

No. 12.

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No. 12.

COPY of a DESPATCH from Lieutenant-Governor Sir BENJAMIN PINE to the Right Honourable EDWARD CARDWELL, M.P.

(No. 55.)

SIR, Leeward Islands, Antigua, 26th May 1866.

I HAVE the honour to transmit to you the Blue Book of this Island for 1865, and also a short report thereon, which I have requested Mr. Baynes, the Colonial Secretary, to prepare for me.

I have, &c.
(Signed) BENJ. C. C. PINE.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Sir, Colonial Secretary's Office, Antigua, 19th May 1866. Antigua.

I have the honour, in compliance with your Excellency's directions, to submit a few observations on the Blue Book of this Colony for the past year.

Taxes and Duties.

1. The duties upon imports, and the taxes upon licences to retail wine, spirits, malt, &c., which are now levied under annual Acts, have been continued at the rates imposed in the previous year. The duty on rum consumed in the Colony has been increased from 1*s.* 6*d.* to 2*s.* per gallon, and the excise duty has been continued to the 31st December 1866.

2. Under the authority of an Act passed in the month of October, special taxes have been imposed upon persons engaged in commerce, and upon persons exercising certain professions, trades, and callings.

A tax of 2½ per centum has been levied upon the salaries of the public officers and upon the stipends of the clergy. The incomes of agricultural attorneys and overseers have also been charged with a modified income tax at the following rates, viz. :—

	£	£	*s.*	*d.*
Where the income exceeds	100	2	10	0
„ „ „	200	5	0	0
„ „ „	400	10	0	0

Profits arising from the ownership or occupation of land have not been taxed. These taxes were raised in order to guarantee the repayment of a loan of 3,000*l.* borrowed from the Colonial Bank. The rates were made payable in April 1866, and the duration of the Act was limited to one year.

3. A reference to the tables of taxes and duties will show that few assessed taxes are raised in this Colony, the greater portion of the revenue being derived from import, export, and tonnage duties.

Revenue and Expenditure.

4. The revenue is stated in the returns prepared at the Treasury as 40,509*l.* This sum includes 406*l.* of revenue of previous years collected in 1865, and 8,493*l.* the aggregate of several loans obtained in aid of the revenue. The neat revenue was 32,016*l.*, of which 21,800*l.* was derived from import, export, and tonnage duties. The actual expenditure was about 43,670*l.*

5. The excess of expenditure over the revenue was 11,654*l.*; 8,493*l.* of this deficiency was met by the loans before mentioned, and a Bill was passed early in the present year for imposing an additional duty of 25 per cent. on the amount of the existing import duties, in order to meet the balance of the deficiency. The amount of uncollected taxes at the close of the year stood thus :—

	£
Parish taxes for 1863 and 1864	893
„ 1865	880
House tax, 1863	226
Horse and carriage tax, 1863	107
Record tax	24
	2,130

Not more than 1,700*l.* of these arrears will be available towards the liquidation of the large balance appearing against the Colony on account of the year 1865. The warrants for the recovery of the house tax and the horse and carriage tax issued in 1863 still remain open and uncollected in the office of the Marshal; but it is to be feared that the sums due on them are now lost to the Colony.

6. Part of the increased expenditure may be explained by the following items, viz. :—

	£
Interest and sinking fund of waterworks loan	1,270
Cost of publishing new edition of the laws	358
Liabilities of 1864 paid in 1865	3,184
	4,812

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besides an additional outlay on account of the Board of Health and Quarantine expenses occasioned by the alarming intelligence which reached the Colony in the month of October last of the breaking out of cholera in Guadeloupe.

7. The estimates prepared by the Administrative Committee show that the revenue of 1866 will fall short of the settled expenditure by about 8,000*l.*

Public Debt.

8. The addition to the Public Debt of the Colony during the year 1865 was as follows:—

	£
Loan for the construction of waterworks - - -	24,500
Due to public officers and the clergy, &c., at the close of the year - - - - - -	3,833
Due to Colonial Bank at close of the year - - -	2,999
	31,332

making the total Public Debt 54,808*l.*

9. The following is a statement of the Public Debt:—

Debt.			When contracted.	To whom due.
£	*s.*	*d.*		
10,000	0	0	1844	Her Majesty's Government, Earthquake Loan.
2,000	13	10	1862	Holders of market debentures.
24,500	0	0	1865	Holders of waterworks debentures.
2,500	0	0	1865	Holders of debentures of loan in aid of revenue.
6,975	0	0	1846 to 1865	Savings Bank.
2,999	9	0½	1865	Colonial Bank, for loan in aid of revenue.

Legislation.

10. Seventeen Acts have been passsed during the year, seven of which relate to the revenue, and three to quarantine and public health. Of the other Acts the most important are:—

"An Act for the Prevention of the stealing of Cotton."

This enactment was rendered necessary in consequence of the facility with which stolen cotton was disposed of in the city of St. John.

"The amended Education Act."

This Act continues the allowance of 1,000*l.* per annum for educational purposes, and provides that grants may be made by the Commissioners of Education to schools for the industrial classes fulfilling the following conditions:—

I. Schools in which the daily average attendance shall not be less than 20.

II. Schools in which a small sum is exacted weekly or monthly from each pupil.

The Act also provides for stipends to pupil teachers, and for the examination of teachers appointed to schools receiving Government aid. The Act is to continue in force for three years.

"An Act to make Provision for the Establishment and Maintenance of a Public "cemetery."

This is one of the most important Acts that has been passed for many years. It makes ample provision for the establishment of a Public Cemetery at a distance of not more than half a mile from St. John's, and empowers the Commissioners to be appointed by the Governor for the purposes of the Act to allot appropriate portions of the cemetery for the uses of the Established Church, the Roman Catholic Church, the Presbyterian and Moravian Churches, and of the Wesleyan Mission. The Governor is empowered, as soon as the cemetery shall be ready and in a fit condition for the interment of the dead therein, to prohibit burials within the city of St. John.

Schools.

11. The Report of the Commissioners of Education is herewith enclosed.

12. The attendance in the schools during 1864 and 1865 was as follows:—

		Average Attendance.	
Church of England,	1864	959	
Do.	1865	832	
		Decrease	127
Moravian	1864	861	
Do.	1865	795	
		Decrease	66
			193
Wesleyan	1864	271	
Do.	1865	281	
		Increase	10
		Total decrease	183

Imports.

13. The value of Imports and Exports for the last three years is as follows:—

	Imports.	Exports.
	£	£
1863	173,912	239,630
1864	178,789	80,333
1865	165,388	192,632

14. The quantity of sugar, rum, molasses, and cotton shipped is as follows:—

Produce of the Island.

	Sugar.	Rum.	Molasses.	Cotton.
	Hhds.	Puns.	Puns.	Lbs.
1863	11,929	939	6,018	—
1864	3,451	50	1,750	26,000
1865	9,882	485	4,419	112,224

Shipping.

	Entered.		Cleared.	
	Vessels.	Tons.	Vessels.	Tons.
1863	437	26,253	459	28,341
1864	478	22,532	503	20,492
1865.	—	—	—	—

General Observations.

15. But for the depressed condition of the public finances of the Colony the retrospect for the past year would have been highly satisfactory. The long and severe drought which afflicted the Colony during 1863 and 1864 terminated in the beginning of 1865, and the Island was blessed with propitious weather. The sugar crop has not been very far below the general average. A considerable extent of waste land has been reclaimed, and planted in cotton, and a comparatively large quantity of that article exported. There has been no lack of employment for the industrious labourer, and crime has considerably decreased. The returns of the Registrar General show that the mortality in 1865 was the lowest of the last four years. Useful laws have been passed for the protection of the public health, the works for supplying the city with wholesome water commenced, and provision made for establishing the much-needed extra-mural cemetery for the city of St. John and its vicinity. The negro villages throughout the Colony have, under the direction of the Board of Health, been inspected, and their sanitary condition much improved.

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16. The prospects for 1866 are encouraging. It is calculated that the sugar crop will be equal to the average of the last five years, and that the cotton crop will be nearly four times as large as that of the preceding year.

I have, &c.
(Signed) EDWIN D. BAYNES,
Colonial Secretary.

His Excellency Sir Benjamin C. C. Pine,
&c. &c. &c.

Sub-Encl. in No. 12.

Sub-Enclosure in No. 12.

REPORT of the COMMISSIONERS of EDUCATION for the Year 1865.

The Commissioners of Education beg leave to report that, owing partly to the distress and poverty for the last three years prevalent in the Island, from which the labouring population is but now beginning to recover, partly to the payment of fees, by every child not actually destitute, being strictly enforced, and partly to the fever and sickness generally, to which, during the latter portion of the year, most of the country districts have been subjected, there has been no improvement either in the number attending the schools, or in the regularity of their attendance; still, on the whole, educational prospects are brighter than at the close of last year, and the Commissioners have every reason to hope that at the end of the present and each succeeding year they will be in a position to report more favourably both of the comparative excellence of the schools, and of the evidence of good resulting from them.

The year closed with 51 schools, 23 of which were Church of England, 19 Moravian, and 9 Wesleyan schools. Among the few changes during the year we may mention the re-opening of the Wesleyan School at Seaton's Village, attended with some success, and the enrolment of their Ragged School in August Town, among the number of those receiving Government aid. With the assistance of the Church Aid Society, a new and commodious school building of stone, much needed, and erected on a more suitable site, has replaced the old one at Darby's Village, to which the Commissioners were glad to be able to make a special grant of 6*l.* in aid of necessary furniture.

The attendance in the schools throughout the year was:—

Church or Denomination.	Number on the List.	Average Attendance.	Per-centage in average Attendance.
Church of England -	1,445	832	57·7
Moravian - -	1,389	795	57·2
Wesleyan - -	494	281	56·8
	3,328	1,908	57·3

being a decrease of 350 on the list, and 183 in average attendance, on the year 1864.

Many of the schools were, at the commencement of the year, in need of books, maps, &c. This need was met by a grant of 80*l.*, divided among the three religious bodies according to the average attendance in the schools for the year 1864; 36*l.* 13*s.* 9*d.* falling to the lot of the Church schools, 32*l.* 18*s.* 10*d.* to the Moravian, and 10*l.* 7*s.* 5*d.* to the Wesleyan. With these essentials, therefore, the schools are thoroughly supplied for the present year.

Numerous changes, for the most part beneficial, have been found necessary among the teachers. The demand for thoroughly competent men as masters is becoming more general, and this demand will be accompanied, as such demands always are, by a corresponding supply. The slow but evident decrease of inefficient teachers throughout our schools is a proof of this, and one of the chief sources of encouragement for the future.

At the close of the year 79 teachers were employed, including assistants. The total salaries, according to the quarterly returns, amounted to 1,515*l.* 16*s.* 5½*d.*, an average of rather more than 19*l.* to each teacher for the year.

In order to omit no means by which a staff of well-qualified teachers may be maintained, it is proposed to establish pupil teachers in schools having an average attendance of not less than 40, with salaries of 5*l.* per annum each. The grant of 3*l.* 18*s.* per quarter towards the maintenance of two young persons at the Spring Gardens Girls' Training School has been continued during the past year.

The second examination of teachers will be held at Easter. For ordinary candidates the subjects will be the same as last year. To those who passed in the first class last year a prize of 5*l.* will be given on satisfying the examiners in an examination of a somewhat higher order. The gratuities of 8*l.*, 4*l.*, and 2*l.* per annum, for the three classes respectively, has been continued up to the present time, and should the Commissioners be in a position to do so, they may slightly increase them after the next examination.

The whole sum expended on the schools, as shown by the Returns, was 1,539*l.* 14*s.* 9*d.*, while the total income from the Island, including the grant for the year of 694*l.* 15*s.* 3½*d.*, amounted only to 976*l.* 7*s.* 7*d.*

While, as has been stated, the number of children in attendance has been lessened (the Commissioners trust only temporarily) by enforcing the payment of school fees, still the amount collected under this head from a smaller number of children was in excess of the year 1864 by 86*l.* 15*s.* 2*d.*, a welcome addition to the limited income of the schools.

The Commissioners have little favourable to report concerning the progress of the schools. In some few exceptional cases, improvement in discipline and general management is manifest, and comparative proficiency in the elements of essential subjects has been attained by the first class. Rather more than one third of the number at present on the list are able to read the Scriptures, and really fluent and intelligent reading is to be met with occasionally in our best schools.

It is often found difficult to prevail on parents to purchase copy books and slates (on this account the latter articles are sometimes provided by the schools), and this difficulty taken into consideration, on the whole there is reason to be satisfied with the efficiency shown in writing. In spelling from dictation, a matter of primary importance, there is still room for much improvement in the majority of the schools. The per-centage of errors on the number of words written has ranged from 6 to 28·5, while 5·5 per cent. is considered a fair standard which should be reached by the first class in all juvenile and mixed schools. The three best schools were English Harbour Church School, Cedar Hall Juvenile School, and Greenbay Juvenile School, both Moravian.

There are 20 per cent. of the number on the books learning to make figures, 34 per cent. working the simple rules, and 11 per cent. have advanced as far as the compound and higher rules. Little way has been made in arithmetic, though, in the aggregate, the schools can not be said to have lost ground in this subject.

While the fair acquaintance with the main outlines of Scripture history evinced by the more advanced pupils in many of the schools is highly encouraging, the confused and fragmentary knowledge possessed by the great mass of the children in others is equally painful. The remedy for this is tact on the part of the master to enable him to fix the attention of all the children, together with clearness and perspicuity in his oral instruction to them; and a master possessing these qualifications, it is hoped, will ere long be in charge of each of the schools.

The quarterly summaries of attendance, together with the Balance Sheet showing the state of the funds of the Commissioners of Education at the close of the year, are appended.

(Signed) G. W. WESTERBY, Chairman pro tem.

BALANCE SHEET OF THE COMMISSIONERS OF EDUCATION FOR THE YEAR 1865.

1865.	DR.	£	s.	d.	£	s.	d.	£	s.	d.
Jan. 1.	Balance in hand from 1864 - - -	130	17	3						
	Cash at various times - - -	1,000	0	0						
								1,130	17	3
	N.B.—Of which, 200*l.*, the amount due for quarter ended 10th November, *has not yet been received.*									
1865.	CR.	£	s.	d.	£	s.	d.	£	s.	d.
April.	Granted to 51 schools - -	169	8	10						
July.	Granted to 50 schools - -	175	14	6						
Oct.	Granted to 51 schools - -	182	11	8						
					527	15	0			
May	Granted to the schools for purchase of books, &c.				80	0	0			
	Granted to Spring Gardens Girls' Training School - - - - -				11	14	0			
	Granted to Mico Institution - -				4	4	0			
	Gratuities to schoolmasters of 1st, 2nd, and 3rd class - - - -				35	10	8			
Oct. 12.	Granted to Darby's New School, towards the purchase of necessary furniture - -				6	0	0			
Dec. 12.	Remitted to England for registers and diaries -				16	1	8			
...	Bill of Exchange for above remittance -				0	4	0			
	Carriage 4*s.*, porterage 4*d.* - - -				0	4	4			
	Postages to England 2*s.*, from England 1*s.* 6*d.*, stationery 4*s.* - - -				0	7	6			
	Printing at various times - - -				2	6	0			
	Inspector's salary, 10 months and 9 days, at 200*l.* per annum -	£ 171	s. 1	d. 4						
	Inspector's salary for 1 month and 21 days, at 150*l.* per annum -	21	5	0						
					192	16	4			
					877	5	6			
	Grants made for quarter ended 31st December *not yet paid*, viz.:—									
	Granted to 51 schools - -	166	13	7						
	Granted to Spring Gardens Girls' Training School - -	3	18	0						
	Granted to Mico Institution -	2	2	0						
	Granted to schoolmasters of 1st, 2nd, and 3rd class - -	11	0	0						
					183	13	7			
								1,060	19	1
	Balance - - - -							69	18	2
								£1,130	17	3

St. John's, 28th February 1866. G. W. WESTERBY, Chairman pro tem.

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TABLE No. 1.

Summary of the Quarterly Returns.

CHURCH OF ENGLAND SCHOOLS.

Quarter ended.	No. of Schools.	No. of Teachers.	Attendance. No. of Names on the Books. Boys.	Girls.	Total.	Average Attendance.	Receipts. School Fees.	Amount of Grant.	Expenditure. Salaries.	Books and Apparatus.	Total Expenditure returned.
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
March 31st -	25	41	808	596	1,404	836	29 10 4¾	73 4 10	170 9 11	2 8 3½	172 18 2½
June 30th -	23	41	819	601	1,420	837	30 12 1½	75 2 2	159 16 9½	4 1 2	163 17 11½
Sept. 30th -	23	41	846	658	1,504	899	31 5 9	80 18 5	171 1 11½	4 5 0	175 6 11½
Dec. 31st -	23	36	804	648	1,452	754	24 11 8	72 3 7	169 17 1½	0 7 6	170 4 7½
							115 19 11¼	301 9 0	671 5 9½	11 1 11½	682 7 9

MORAVIAN SCHOOLS.

March 31st -	19	30	746	617	1,363	811	34 14 5½	68 15 6	144 7 4	1 3 0	145 10 4
June 30th -	19	29	768	639	1,407	836	33 9 8	70 3 8	141 16 10	6 0 5	147 17 3
Sept. 30th -	19	30	779	643	1,422	827	32 7 6	70 11 8	146 2 0	3 12 10	149 14 10
Dec. 31st -	19	30	763	600	1,363	704	26 1 11	66 5 6	146 0 8	—	146 0 8
							126 13 6½	275 16 4	578 6 10	10 16 3	589 3 1

WESLEYAN SCHOOLS.

March 31st -	7	12	237	208	445	255	9 5 10	27 8 6	62 0 4	1 2 10	63 3 2
June 30th -	8	14	246	242	488	288	11 0 10	30 8 8	69 11 2	0 2 9	69 13 11
Sept. 30th -	9	15	279	290	569	321	10 12 4	31 8 3	70 3 4	—	70 3 4
Dec. 31st -	9	13	227	246	473	260	7 19 10½	28 4 6	64 9 0	0 14 6	65 3 6
							38 18 10½	117 9 11	266 3 10	2 0 1	268 3 11

GENERAL SUMMARY.

March 31st -	51	83	1,791	1,421	3,212	1,902	73 10 8¼	169 8 10	376 17 7	4 14 1½	381 11 8½
June 30th -	50	84	1,832	1,482	3,315	1,961	75 2 7½	175 14 6	371 4 9½	10 4 4	381 9 1½
Sept. 30th -	51	86	1,904	1,591	3,495	2,047	74 5 7	182 18 4	387 7 3½	7 17 10	395 5 1½
Dec. 31st -	51	79	1,794	1,494	3,288	1,718	58 13 5½	166 13 7	380 6 9½	1 2 0	381 8 9½
							281 12 4¼	694 15 3	1,515 16 5½	23 18 3½	1,539 14 9

G. W. WESTERBY,
Chairman pro tem.

TABLE No. 2.

CHURCH OR DENOMINATION.	Centesimal Proportion of Children learning: To Read. Alphabet.	Mono syllables.	Easy Lessons.	More difficult Narratives.	Books of general Lessons.	Holy Bible.	To Write. On Slates from Copies.	On Paper from Copies.	On Slates from Dictation.	Arithmetic. Making Figures.	Simple Rules.	Compound Rules.	Reduction, Bills of Parcels, &c.	Proportion and higher Rules.	Girls learning to Sew.	Number of Children to whom the Return relates.
Church of England	26·9	23·4	14·6	12·5	22·2	31·7	34·3	23·6	19·4	19·8	33·6	5·8	1·5	2·6	17·1	1,452
Moravian -	24·4	19·8	22·9	16·8	16·7	38·6	34·2	27·2	33·9	19·3	34·4	9·3	1·2	3·6	18·7	1,363
Wesleyan -	21·3	30·2	17·5	18·6	17·1	37·8	51·1	23·4	26·4	24·3	40·1	5·3	0·6	2·7	15·6	473
General percentage	25	22·9	18·4	15·2	19·2	35·4	36·6	25·1	26·4	20·5	34·9	7·2	1·2	0·3	17·6	3,288

SIR, Antigua, April 9, 1866.

THE tables of registration of births and deaths for the year 1865 being submitted to me, I have few remarks to make on them, as they do not differ in any very material respect from those commented on in the preceding year. The number of still-births, as regards the total number of births, is less than in the preceding year, but still far above the mean average of the largest cities in Europe.

The total number of births in 1864 was 1,407
„ „ „ 1865 „ 1,417
The still-births in - - 1864 were 183
„ „ - - 1865 „ 164

The birth-rate for 1865 has been, including still-births, 3·89 per cent., or 389 to every 10,000 inhabitants. In the several parishes the birth-rate has been as follows:—

Parish of	St. John	3·80 per cent.
„	St. Mary	3·87 „
„	St. Paul	3·89 „
„	St. Philip	4·26 „
„	St. Peter	3·65 „
„	St. George	4·15 „

The still-births were 164, or 1 in every 8·64 of the births; of the 580 legitimate births, 34 were still-born, or 1 in every 17·35; and of the illegitimate births, 8·37, were still-born, or 1 in every 6·43.

Table No. 1 shows the proportion of legitimate to illegitimate still-births in the several parishes.

The legitimate births throughout the Island have been 40·93 per cent., and the illegitimate 59·06 per cent.

The death-rate for the year 1865 has been 4·29 per cent., or 429 to every 10,000 inhabitants; and as regards the several parishes was as follows:—

Parish of	St. John	5·1 per cent.
„	St. Mary	2·98 „
„	St. Paul	3·49 „
„	St. Philip	2·94 „
„	St. Peter	4·23 „
„	St. George	4· „

Table No. 2 shows the duration of life of infants of one year old and under throughout the Island.

During the latter period of the year remittent fever of a dynamic character was prevalent throughout the Island, and several cases of yellow fever were reported as terminating fatally in some instances. The occurrence of yellow fever in conjunction with the bilious remittent would lead us to suppose that the late Dr. Musgrave was in the right when he assumed the diseases to be identical, varying only in severity of attack; an opinion in which, however, Dr. Blair of Demerara, and a talented physician of our Island, Dr. Thomas Nicholson, do not coincide, looking on it, on the contrary, as a disease "sui generis."

I have, &c.,
(Signed FRANCIS G. O'KEARNEY.

E. D. Baynes, Esq.,
Colonial Secretary,
&c. &c.

TABLE No. 1.—Showing the PROPORTION of LEGITIMATE to ILLEGITIMATE STILL-BIRTHS during 1865.

ANTIGUA.	Legitimate.		Illegitimate.		Complexion.			TOTAL.
	Male.	Female.	Male.	Female.	Black.	White.	Coloured.	
Parish of St. John -	16	9	29	20	51	4	19	74
„ St. George	2	—	10	9	19	2	—	21
„ St. Mary -	—	—	5	8	12	—	1	13
„ St. Philip	1	—	11	1	11	—	2	13
„ St. Peter	3	2	7	14	22	—	4	26
„ St. Paul -	—	1	5	11	12	—	5	17
TOTAL -	22	12	67	63	127	6	31	164

TABLE No. 2.—DURATION of LIFE of INFANTS One Year old and under during the Year 1865.

ANTIGUA.	24 hours.	1 week.	1 month.	1 month to 2.	2 months to 3.	3 months to 4.	4 months to 5.	5 months to 6.	6 months to 7.	7 months to 8.	8 months to 9.	9 months to 10.	10 months to 11.	11 months to 12.	TOTAL.	Complexion.		
																Black.	White.	Coloured.
Parish of St. John -	14	23	28	6	10	7	10	5	7	7	6	7	2	3	135	87	11	37
„ St. Mary	2	2	10	2	—	—	1	3	—	1	1	—	1	1	24	20	2	2
„ St. Paul -	4	2	9	4	3	3	2	1	2	—	1	1	—	7	39	33	5	1
„ St. Philip	2	6	5	4	—	—	3	1	3	1	1	—	—	2	28	25	1	2
„ St. Peter	2	2	5	2	4	2	2	3	2	3	2	1	—	11	41	31	3	7
„ St. George	1	1	9	3	5	1	2	1	3	4	1	1	2	2	36	29	4	3
TOTAL -	25	36	66	21	22	13	20	14	17	16	12	10	5	26	303	225	26	52

ANTIGUA.

Office of Registrar General of Births and Deaths.

GENERAL ABSTRACT OF BIRTHS AND DEATHS FOR QUARTER ENDED 31ST DECEMBER 1865.

PARISH.	No. of Births.	Legitimate.		Illegitimate.		Complexion.			No. of Deaths.	Adults.		Under 14 and over 1 Year.		One Year and under.		Complexion.		
		Males.	Females.	Males.	Females.	Black.	White.	Coloured.		Males.	Females.	Males.	Females.	Males.	Females.	Black.	White.	Coloured.
St. John -	177	45	28	54	50	117	13	47	270	72	87	22	23	39	27	139	40	91
St. Mary -	39	5	11	12	11	38	1	—	35	8	7	4	4	5	7	28	5	2
St. Paul -	38	4	8	10	16	34	1	3	33	6	12	3	1	4	7	25	5	3
St. Philip -	41	8	4	15	14	37	1	3	39	12	11	2	5	4	5	26	9	4
St. Peter -	37	4	6	11	16	27	4	6	40	5	13	6	7	6	3	22	11	7
St. George -	41	3	5	10	23	33	1	7	43	8	9	3	5	8	10	36	3	4
TOTALS	373	69	62	112	130	286	21	66	460	111	139	40	45	66	59	276	73	111

EDWIN D. BAYNES, Registrar General.

Office of Registrar General of Births and Deaths.

CLASSIFICATION OF CAUSES OF DEATH FOR QUARTER ENDED 31ST DECEMBER 1866.

CAUSES OF DEATH.	No. of Deaths.	Adults.		Under 14 and over 1 year.		1 Year and under.		Complexion.		
		Males.	Females.	Males.	Females.	Males.	Females.	Black.	White.	Coloured.
I. SPECIFIED CAUSES:										
A. *General Diseases.*										
Zymotic (epidemic, endemic, or contagious) or eruptive fevers.	165	38	37	23	33	19	15	82	40	43
B. *Sporadic Diseases.*										
Dropsy, cancer, and other diseases of uncertain or variable seat.	14	6	8	—	—	—	—	12	1	1
Tubercular diseases - - -	36	14	18	1	1	2	—	21	1	14
Diseases of the brain, spinal marrow, nerves, and senses.	43	11	11	5	3	6	7	27	11	5
Diseases of the heart and blood vessels -	9	2	7	—	—	—	—	8	—	1
Diseases of the lungs and other organs of respiration.	13		4	—	3	—	—	9	1	3
Diseases of the stomach, liver, and other organs of digestion.	52	16	7	8	2	13	6	29	8	15
Diseases of the kidneys - - -	2	2	—	—	—	—	—	1	—	1
Childbirth, diseases of the womb, &c. -	2	—	2	—	—	—	—	1	1	—
Rheumatism, diseases of the bones, joints, &c.	1	—	1	—	—	—	—	—	—	1
Diseases of the skin, cellular tissues, &c. -	16	5	9	—	1	1	—	13	—	3
Malformations - - - -	—	—	—	—	—	—	—	—	—	—
Premature birth and debility - - -	18	—	—	—	—	6	12	12	4	2
Atrophy - - - - - -	5	—	1	2	1	1	—	2	—	3
Age - - - - - - -	37	6	31	—	—	—	—	23	5	9
Sudden - - - - - -	2	1	1	—	—	—	—	2	—	—
Violence, privation, poison, intemperance, &c.	4	1	1	1	1	—	—	4	—	—
Still-born - - - - -	37	—	—	—	—	18	19	26	1	10
II. CAUSES NOT SPECIFIED - - -	4	3	1	—	—	—	—	4	—	—
TOTALS - - - -	460	111	139	40	45	66	59	276	73	111

EDWIN D. BAYNES, Registrar General.

Office of Registrar General of Births and Deaths.

GENERAL ABSTRACT OF BIRTHS AND DEATHS FOR EACH QUARTER OF THE YEAR ENDED 31ST DECEMBER 1866.

QUARTERS.	No. of Births.	Legitimate.		Illegitimate.		Complexion.			No. of Deaths.	Adults.		Under 14 and over 1 year.		1 year and under.		Complexion.		
		Males.	Females.	Males.	Females.	Black.	White.	Coloured.		Males.	Females.	Males.	Females.	Males.	Females.	Black.	White.	Coloured.
To 31 March	419	89	82	123	125	314	24	81	450	127	132	41	39	56	55	347	41	62
To 30 June	334	78	71	85	100	244	31	59	291	81	79	15	15	47	54	233	13	45
To 30 Sept.	291	69	60	81	81	209	19	63	353	75	114	12	22	63	67	267	27	59
To 31 Dec.	373	69	62	112	130	286	21	66	460	111	139	40	45	66	59	276	73	111
TOTALS -	1,417	305	275	401	436	1,053	95	269	1,554	394	464	108	121	232	235	1,123	154	277

EDWIN D. BAYNES, Registrar General.

Office of Registrar General of Births and Deaths.

GENERAL ABSTRACT OF BIRTHS AND DEATHS FOR YEAR ENDED 31ST DECEMBER 1866.

PARISH.	No. of Births.	Legitimate.		Illegitimate.		Complexion.			No. of Deaths.	Adults.		Under 14 and over 1 year.		1 year and under.		Complexion.		
		Males.	Females.	Males.	Females.	Black.	White.	Coloured.		Males.	Females.	Males.	Females.	Males.	Females.	Black.	White.	Coloured.
St. John -	621	143	121	178	179	377	59	185	845	235	284	61	56	109	100	542	91	212
St. Mary -	157	31	40	45	41	146	2	9	121	32	26	9	13	16	25	108	8	5
St. Paul -	165	33	35	43	54	146	6	13	148	28	46	7	12	27	28	126	9	13
St. Philip -	165	40	27	50	48	143	7	15	115	28	35	3	8	23	18	90	15	10
St. Peter -	146	24	21	44	57	108	14	24	168	33	41	14	18	28	34	124	22	22
St. George -	163	34	31	41	57	135	7	23	157	38	32	14	14	29	30	133	9	15
TOTALS -	1,417	305	275	401	436	1,053	95	269	1,554	394	464	108	121	232	235	1,123	154	277

EDWIN D. BAYNES, Registrar General.

Office of Registrar General of Births and Deaths.

CLASSIFICATION OF CAUSES OF DEATH FOR YEAR ENDED 31ST DECEMBER 1866.

CAUSES OF DEATH.	No. of Deaths.	Adults.		Under 14 and over 1 year.		1 Year and under.		Complexion.		
		Males.	Females.	Males.	Females.	Males.	Females.	Black.	White.	Coloured.
I. SPECIFIED CAUSES:										
A. *General Diseases.*										
Zymotic (epidemic, endemic, or contagious) or eruptive fevers.	360	76	80	50	60	51	43	226	66	68
B. *Sporadic Diseases.*										
Dropsy, cancer, and other diseases of uncertain or variable seat.	92	35	36	7	10	3	1	69	3	20
Tubercular diseases - - - -	190	75	103	4	3	4	1	136	9	45
Diseases of the brain, spinal marrow, nerves, and senses.	126	39	32	7	7	15	26	87	21	18
Diseases of the heart and blood vessels -	49	23	24	1	1	—	—	39	4	6
Diseases of the lungs and other organs of respiration.	41	17	13	—	7	—	4	30	3	8
Diseases of the stomach, liver, and other organs of digestion.	225	52	37	29	22	42	43	159	24	42
Diseases of the kidneys - - -	4	4	—	—	—	—	—	2	—	2
Childbirth, diseases of the womb, &c. -	10	—	10	—	—	—	—	8	1	1
Rheumatism, diseases of the bones, joints, &c.	4	1	3	—	—	—	—	2	—	2
Diseases of the skin, cellular tissues, &c. -	47	15	29	1	1	1	—	40	1	6
Malformations - - - -	—	—	—	—	—	—	—	—	—	—
Premature birth and debility - - -	52	—	2	—	—	19	31	38	6	8
Atrophy - - - - - -	24	4	6	5	4	3	2	18	1	5
Age - - - - - - -	111	33	78	—	—	—	—	85	9	17
Sudden - - - - - -	5	3	1	—	—	1	—	5	—	—
Violence, privation, poison, intemperance, &c.	20	8	4	3	2	2	1	17	1	2
Still-born - - - - -	164	—	—	—	—	86	78	134	4	26
II. CAUSES NOT SPECIFIED - - -	30	9	6	1	4	5	5	28	1	1
TOTALS - - -	1,554	394	464	108	121	232	235	1,123	154	277

EDWIN D. BAYNES, Registrar General.

MONTSERRAT.
No. 13.

MONTSERRAT.

No. 13.

Copy of a DESPATCH from Lieutenant-Governor Sir BENJAMIN PINE to the Right Honourable the EARL OF CARNARVON.

(No. 73.)

MY LORD, Leeward Islands, Antigua, 20th August 1866.

Mr. Saunders to Lieut.-Governor Pine, No. 26, Aug. 10, 1866.

I HAVE the honour to transmit to your Lordship a Despatch from the Administrator of the Government of Montserrat, forwarding the Blue Book for 1865.

I have, &c.
(Signed) BENJ. C. C. PINE.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

(No. 26.)

SIR, Government House, 10th August 1866.

I HAVE the honour to forward herewith to your Excellency, for transmission to the Secretary of State, the Montserrat Blue Book for 1865.

2. The expenditure of 1865, it will be seen by the Returns, exceeded the revenue by 539*l.* 3*s.* 5*d.*; the Colony, consequently, was left in debt at the end of the year.

During the present year the Legislature have passed a measure imposing rates for the maintenance of the poor, by which the General Revenue of the Colony has been relieved of the annual charge of 650*l.*; and had it not been for an increase in the Miscellaneous Expenditure, caused chiefly by the Quarantine Establishment, and a large outlay by the Board of Health for cholera medicines, blankets, &c. &c., the public liabilities would have been discharged, and there would now have been a large surplus in the Colonial chest.

3. No public work was undertaken during the past year. The wharf, for which provision was made in 1864, was in progress, and I am happy to be able to report that it will be completed during the present month.

4. It affords me much pleasure to report, that the Legislature have at last established a Police Force, the want of which has long been felt, and has repeatedly been urged by several Administrators of the Government. The urgent necessity of providing for a protective force for the preservation of internal order was reported to Governor Hill by President Robinson, in his Despatch of the 30th December 1863, and I beg to inform your Excellency that I concur with Mr. Robinson in his views on the subject, as expressed in that Despatch.

5. The agricultural condition of the Colony has improved, the sugar crop for the year having largely exceeded those of many years past; at the same time the cultivation of cotton has also improved.

6. The sanitary condition of the Island has been good, and its general quietude has continued.

7. One measure of vast public utility is still required, and that a total abrogation of the elective element in the Legislature. I regret that I am compelled to report the total unfitness of the persons chosen to serve in the Assembly, the greater number of whom, to use the words of the late Captain Booth, can barely read and write.

I have, &c.
(Signed) ROBERT SAUNDERS.

His Excellency Sir B. C. C. Pine,
&c. &c. &c.

ST. KITTS.

No. 14.

Copy of a DESPATCH from Lieutenant-Governor Sir Benjamin Pine to the Right Honourable the Earl of Carnarvon.

(No. 167.)

Leeward Islands Government, Government House, St. Kitts,
5th November 1866.

My Lord,

I have the honour to transmit to your Lordship the Blue Book of St. Kitts for 1865, together with an able and interesting Report thereon from Mr. Holligan, the Administrator of the Government.

I have, &c.
(Signed) BENJ. C. C. PINE,
Administrator of the Leeward Islands Government.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

(No. 68.)

Sir, Government House, St. Christopher, 22d September 1866.

I have the honour to transmit to your Excellency the Blue Book of this Island for 1865, with a Report thereon.

With regard to the first half of the year, I can speak from personal knowledge and observation, but as to the latter I have been entirely dependent for information on the usual official, but not always reliable, sources.

Taxes, Duties, and other Sources of Revenue.

The principal taxes levied here are Customs Duties on Imports and Exports.

Of Export Duties on produce there are four classes, three forming parts of the General Revenue, of which two are levied on the planter and one on the shipping; the fourth is paid by the planter exclusively for immigration purposes.

The tonnage duty is one shilling and sixpence per ton measurement, with the option, in case of vessels not wholly laden, or not intending wholly to discharge, of paying a package duty instead.

The only other tax of any importance is on licences, which are charged as follows:—

To sell rum in less quantity than 50 gallons (including beer, wine, and other spirituous liquors)—

	£
In Basseterre	60
In other towns	45
In any other place	35

To sell wine, beer, and all spirituous liquors except rum, in less quantity than 30 gallons—

	£	s.
In Basseterre	10	0
In other towns	7	10
In any other place	5	0
Game	1	0

The Import Act of 1857, being about to expire, was, with some amendments, continued for seven years. The Tariff established by it is substantially the same as the former. Some few agricultural implements, as chaff-cutters, hoes, cane bills, ploughs, and harrows, and the packages in which coal is imported, have been omitted from the table of exemptions, but other articles used in the manufacture of sugar, as clarifiers and steam-pans, have been introduced; so that the balance of taxation, as between the landed interest and the people at large, remains pretty much the same.

Of the taxes raised in 1865, amounting in the whole to 25,076*l.*, 5,803*l.* only fell directly on the land; and of this, 1,866*l.* was in the course of the year repaid to the owners of those larger estates which are compelled to furnish troopers for service in the cavalry. The remainder (3,937*l.*) is levied under the Act of the 20th August 1850, passed to abolish parochial vestries, to consolidate benefices, and to provide for the

St. Kitts.

payment of the stipends of the clergy by a tax upon exports. On this fund the clergy have the first lien, but after payment of their stipends the residue, if any, is applicable to the general purposes of the Public Treasury.

From the passing of the above-mentioned Act to the end of 1865, 35,774*l.* has been collected, while during the same period 51,986*l.* has been expended for church and parochial purposes. This latter sum is made up of,—

	£
Stipends of clergy, rent and repair of parsonage houses, building churches - - - - - - - -	47,898
Parochial expenses, including rents of pounds - - -	1,120
Public cemetery - - - - - - -	2,968
	51,986
Deducting, therefore, the cost of two churches built - -	13,000
	£38,986

the amount raised under the Act has been, within 200*l.* a year, sufficient to meet the charge of which the land was relieved in 1850, and the Ecclesiastical Establishment can no longer be said to be unduly onerous to the country.

Since the completion of St. George's Church, the chief ornament of the Island, the Executive Council have recorded their opinion that it is not the duty of the Government to build churches, or provide for any extension of church accommodation that may be required, particularly as the special impost for the church and clergy is not more than sufficient to defray the expenses of the Establishment, and that if any such extension be necessary it must be met by local taxation.

By an Act of the 30th March 1865 three fourths of the export tax for immigration purposes, which does not appear in the General Account of Revenue and Expenditure, was remitted for another year.

On the whole, however, when it is remembered that there is no local taxation, and that the expenditure which the General Revenue is raised to meet includes not only the stipends of the clergy and the repair of churches, but the entire cost of keeping the roads in order, and of providing medical and other relief for the poor, and substantially the maintenance of the corporate establishment of Basseterre, the taxation of the Island, as compared with that of many of its neighbours, will be found to be very moderate, amounting, on an average of several years, to barely fifteen shillings a head.

Fees.

No alteration was made during the past year in the fees receivable by public officers to their own use; but those in Chancery, which are at present so high as to have almost closed the approach to that Court, are now under revision.

The Act No. 221, "To improve the Administration of Justice in Magistrates' Courts," establishes a Schedule of Fees for the Court of Appeal from the decision of Magistrates, which, as well as those received in the Magistrates' Courts, are paid into the Treasury. The fees to be taken in the new Court are moderate, and by no means calculated to check appeals.

Revenue and Expenditure.

The following table shows in round numbers the Revenue and Expenditure for the last five years:—

Years.	Revenue.				Expenditure.
	Imports.	Exports.	Other sources.	Total.	
	£	£	£	£	£
1861	12,080	2,330	5,873	20,283	21,433
1862	12,783	2,585	6,924	22,292	21,371
1863	10,701	2,529	8,742	21,972	22,154
1864	11,221	1,467	6,757	19,445	21,257
1865	12,127	3,191	9,758	25,076	22,259
Total -	58,912	12,102	38,054	109,068	108,474

The balance in the Treasury on the 31st of December 1860 was 10,352*l.*, of which 5,870*l.* was available for the service of 1861, and at the end of 1865, notwithstanding a considerable increase of cost in the maintenance of the Cunningham Hospital, and of the medical establishment for the relief of the poor, as well as in the expenditure on roads and other public works, the balance in the Treasury was 10,946*l.*, of which 5,436*l.* was available for the service of the current year.

During this period, too, a portion of the General Revenue, arising from spirit licences in Basseterre, and amounting to upwards of 1,000*l.* a year, was given up to the corporation. And in 1863–1864, twelve and a half per cent. of the tax on imports, and of that in lieu of parochial rates, was remitted for 12 months, as well as the same proportion of the cavalry tax, making together a still further reduction in the receipts for those years of 2,010*l.*

For the management of the finances during the interval, all credit is due to the Administrative Committee.

Comparative yearly Statement of Revenue and Expenditure.

Between the Revenue of 1864 and that of 1865 there is a difference of nearly thirty per cent. in favour of the latter year. In 1864, which was a year of unprecedented drought, the gross receipts fell short of the estimates by 605*l.*, while in 1865, the crop of which was probably the largest ever made, and which naturally resulted in an immediate increase both of export and import duties, the receipts were 1,576*l.* in excess.

The Expenditure of 1865 exceeded that of the previous year by 1,002*l.* 2*s.* 6*d.*

Under the head of increase are included an additional clerk in the Treasury Department, one quarter's allowance for cavalry service in 1864, not paid until 1865, an unusually large outlay on the hospital, the equipment of the fire company, an extraordinary expenditure for cholera medicines, and a vote of 1,000 dollars in aid of the sufferers by the hurricane at Guadeloupe, for which most liberal grant the Legislature has received the special thanks of the Imperial Government of France.

Local Revenues.

Since the abolition of vestries in 1850, with the exception of a small sum collected by the corporation of Basseterre on boatmen and porters' licences, there have been no local revenues raised in this Island.

Public Debt.

For many years past it has been the policy of this Colony, notwithstanding the example set by some of her neighbours, to decline pecuniary aid from any quarter, to resist every temptation to incur debt even for remunerative works, and to meet extraordinary demands by increased taxation. There is, therefore, no return to make under this head.

Military Expenditure.

Of the military posts and works enumerated in the Blue Book, none are under the control of the Ordnance Department. By an Act of the Colonial Legislature, dated the 1st of October 1855, all the Ordnance lands and buildings in St. Christopher and Anguilla were, with Her Majesty's assent, vested in the Colonial authorities for such purposes for the public service of these Islands as the Legislature should from time to time direct, but subject of course to Her Majesty's right to occupy them at any time for the purpose of military defence. Under the sanction of this Act, Brimstone Hill was at once dismantled, and all the building material worth removing either used for public purposes or sold to private parties. The substantial bomb-proof, known as Fort George, and several other buildings capable together of holding some hundreds of men, and all the large water-tanks from which the garrison was supplied, are still, however, in excellent condition. Of the five forts on the coast, two have been entirely abandoned, and are in ruins; the other three, intended for the protection of the town, are kept in repair and armed, but only with clumsily mounted 24-pounders.

The Militia is liable to be called out for drill at the discretion of the Governor, who is *ex officio* colonel. While, however, recognizing the necessity of maintaining a force of a military character, the Government of the Colony have felt that it is their duty so to regulate the necessary measures with regard to drill as to cause as little interruption as possible to private business. During the crop season, therefore, the cavalry drill is almost entirely suspended, and the force was not this year called out even for the usual review on the Queen's birthday. On the 14th of this month, however, they were inspected by Major-General Ainslie, commanding the troops in the Windward and Leeward Islands, who, I am happy to say, expressed his satisfaction on finding them in

St. Kitts.

so creditable a condition, and on learning that the local regulations have so good an effect in securing a proper attendance at the periodical drills. Of the two branches of the service, the Major-General says, "the cavalry is upon the whole serviceably "mounted, and the horses sufficiently trained. They are well commanded, and appear "to have been instructed with much attention, so as to move steadily and with correct-"ness." "With regard to the artillery, it was composed so entirely of recruits just "entering on their period of service, that little could be expected of them, but I have "no doubt that they will in due time arrive at a satisfactory state of efficiency."

The present condition of the artillery is the unavoidable result of a provision of the law under which the corps is enrolled, by which the period of service is limited to three years. The majority of the young men of whom it is composed, however, appear by no means averse to the service, and I have very little doubt that a few months of weekly drill will soon bring them up to the old standard. The Major-General in his report makes some suggestions as to drill and other matters, which, so far as practicable, will be carried out with as little delay as possible.

The actual amount of the expense incurred for the support of the force, for the purchase of arms, equipments, clothing, ammunition, pay, drill instruction, maintenance of forts, and allowance to estates for men and horses furnished for cavalry service, was 2,255*l.* 9*s.* The estimate for 1866 is 2,360*l.*

The Acts in force for regulating the Militia are No. 187, of the 15th August 1862, "To consolidate and amend the Laws relating to the Militia and other protective Forces," Nos. 204, of the 13th August 1863, and 213, of the 20th February 1865, to amend No. 187.

Public Works.

The whole of the outlay under this head in 1865, amounting to 2,726*l.* 13*s.* 1*d.*, was for repairs of roads, bridges, and public buildings, with the exception of 100*l.* for the construction of a new reservoir for supplying water to the town of Sandy Point.

Legislation.

In the course of the year 1865 there were 18 Acts of the Legislature passed, which are here classified according to their subject-matter, under the following heads:—

Administration of Justice.

"To amend the Law relative to Juries."

Before the passing of this Act it appears that there was no provision for the formation of jury lists, for properly testing the qualification of jurors, nor for the impartial selection of juries, the marshal being at liberty to summon any person he pleased who was supposed to be qualified. Neither was there any other way of forming a special jury than by selection by the parties of the required number from the persons qualified as common jurymen. In this measure there are several provisions of a character novel to the legislation of these Islands. It disqualifies for service as a juryman every man who cannot read and write, or who has been convicted of any infamous crime. Special juries are to consist of nine persons and no more. The verdict of a petty jury is to be unanimous, if delivered within two hours after the conclusion of the judge's charge; and if delivered more than two and not more than six hours after such charge, the verdict of eleven is to be taken; if more than six, the verdict of nine is to be considered as the verdict of the whole. The verdict of a special jury is to be unanimous if delivered within two hours after the conclusion of the judge's charge; if two hours or more after such charge, the verdict of seven is to be considered as that of the whole. If no verdict be delivered by a special jury within two hours, or by a petty jury within twelve after the judge's charge, and the Court shall be satisfied that there is no prospect of the jury agreeing, the Court may discharge such jury, and cause a new jury to be empannelled, sworn, and charged with the case as if the first jury had not been empannelled. In criminal cases, prosecutor or prisoner may challenge five jurors and no more without assigning cause. Coroners' juries are to consist of nine and no more, and the verdict of seven to be taken as the verdict of the whole.

"To improve the Administration of Justice in Magistrates' Courts."

Of the various functions of the Government of a West India Colony at the present day, there is none more important than a constant and watchful supervision of the administration of summary justice. Formerly, all petty sessions were held by two unpaid justices of the peace; but in 1863 an Act was passed to appoint a police magistrate for the rural districts, and to enable him to sit in sessions with an unpaid justice.

For the town of Basseterre and its neighbourhood, containing one third of the population, the sessions were still held before two unpaid justices. In the rural districts, too, the change was found not to have done all the good expected of it; and the administration of summary justice throughout the Island was still virtually in the hands of the unpaid justices. And although it is but fair to those gentlemen whose gratuitous services were so long given to the public to admit that there does not appear to have been any ground for imputing to them any wilful abuse of the powers confided to them, it must be borne in mind that there was scarcely one of them who was not actively engaged in business, and unable to give to the performance of those duties the time and attention which are absolutely necessary to the prompt and regular administration of justice. It must also be admitted, that however pure and impartial their conduct may have been, it was impossible that tribunals constituted entirely of persons who, being themselves employers of labour, were often indirectly if not directly interested in the cases brought before them for adjudication, should command the entire confidence of the labouring classes. From the decisions of the justices in petty sessions the only appeal was to the Court of Queen's Bench, and then only on questions of law, there being no mode of getting the merits before the Court save by writ of certiorari.

This Act constitutes the Attorney General *ex officio* police magistrate for the town and its neighbourhood, and invests him, as well as the police magistrate for the rural districts, with all the powers of two justices of the peace in sessions. It also provides a cheap and simple appeal from the magistrate's decisions.

"To simplify and expedite the Administration of Justice in the Island of Anguilla."

The improvements in the administration of justice in Anguilla made by this Act are the abolition of the Small Debt Court as a distinct tribunal, and the establishment of a single Court combining the jurisdiction of that Court with those of the Superior Courts of Law and Equity. Of this Court the local magistrate is constituted Deputy Judge, with power, in the absence of the Chief Justice, to decide cases, with certain exceptions, in which the amount in dispute does not exceed 25*l*. A simple method is provided of appealing from the decisions of the local tribunal to the Chief Justice, and also of obtaining his opinion upon any question which may arise in the course of any proceeding. With consent of parties, the Deputy Judge may try with a jury any case beyond his ordinary jurisdiction, and, with the like consent, he may hear any such case without a jury, and transmit the evidence to the Chief Justice for his decision in writing. And, subject to its own special provisions, this Act incorporates the St. Christopher Code of Procedure.

Educational.

"To render permanent the Act to establish a Grammar School, and to encourage "Education amongst the Industrial Classes."

Executive.

"To authorize Public Servants to give the Security of a Guarantee Society for the "Discharge of their Duties."

Financial.

"To continue for another Year the Remission of Three Fourths of the Export Tax "levied for Immigration Purposes."

"To impose Duties on Imports, and provide for their Collection."

The tariff established by this Act is, as I have already observed, substantially the same as the former. The exemption from port charges in favour of the Royal Mail steamers is extended to all steam vessels carrying mails.

"The usual Appropriation Act."

Masters and Servants.

"To extend to Anguilla the St. Kitts Act for regulating the relative Rights and "Duties of Masters and Servants."

Military.

Mr. Cardwell having called attention to a statement in the correspondence respecting the St. Vincent riots in 1863, to the effect that a certain provision in the St. Vincent Militia Act, to which exception had been taken by the Duke of Newcastle, was similar to one in the Militia Act of this Island, and recommended that the clause containing it should be repealed, the Act of 20th February 1865 (No. 213.) was passed to give effect to the Secretary of State's suggestion. The clause objected to was the 44th of the Militia Act of 1862, which authorized the Governor, in case of actual disturbance

or other urgent necessity, to proclaim martial law in force, during the continuance of which it went on to enact that all persons should be subject thereto. This clause was considered objectionable, first, because it was impossible to say what was really the power which it conferred upon the Governor, and what the obligations or liabilities which it imposed on the inhabitants; and next, because it was calculated to produce the impression that under its authority the Governor might by proclamation relieve himself and others from the consequences of violating the known rules of law. It has therefore been repealed, and there is no longer any local law authorizing the Governor to proclaim martial law; but in its place has been substituted a provision making it lawful for the Governor, during the continuance of any proclamation of alarm arising from internal commotion, to authorize by writing under his hand the imprisonment and detainer of all persons charged before him with the commission of offences against the public peace.

Municipal.

Two Acts were passed within the year for the purpose of amending the constitution of the Corporation of Basseterre, originally established by Act No. 175, of the 6th May 1861; the first on the 31st January, the object of which is stated in the preamble to be to extend the powers of the mayor and town council, and more particularly to define the duties of certain of the corporation officers. This Act repeals No. 175. Notwithstanding, however, the amendments made by it, it was found not to have done the good it was designed to accomplish, and the Act of the 8th December was passed for the purpose of altering the constitution. It suspends for three years the election of councillors by the burgesses, and vests the appointment of the mayor and town council during that period in the Governor, putting them, with regard to removal from office for just cause, on the same footing as other officers of the Government. The town clerk is also appointed by the Governor, and to be deemed an officer of the Government, and hold office during pleasure, and may be dismissed without any investigation before the town council. It also effects another important innovation, taken from the French law relating to municipalities, by separating the executive from the legislative authority. The mayor and council, constituting the town council, are to make the byelaws, and vote the annual budget; but the mayor, assisted by the town clerk, is charged with the duty of executing these laws, and of disbursing the funds. It, however, still leaves untouched the radical defect pointed out by your Excellency in your Blue Book Report for 1864, of not leaving the Corporation to raise the necessary funds for its working entirely by local rates; for the proceeds of the town spirit and other licences payable to the Colonial Treasurer, and collected by him, being still paid over to the Corporation, the citizens are no more under the necessity of taxing themselves than heretofore. Out of the revenue placed at their disposal they light the town and repair its streets; but for the police, and the supply of water brought from the mountains down to their doors, the inhabitants of Basseterre contribute no more than any other taxpayers. It must, however, be admitted that there is a manifest improvement in the general condition of the town and the state of the roads since the establishment of the new system, and the appointment of a young and energetic mayor and an active town clerk.

Postal.

The principal object in legislating on this subject was the establishment of the money-order system; but, in accordance with the suggestion of the late Duke of Newcastle, the former Acts were repealed, and the amended law embodied in one statute. The only departures from the old law were, the extension of the office hours, the limitation of the time allowed for posting letters after the time fixed for closing the mail, on payment of extra postage, and the establishment of the money-order system.

Sanitary.

An Act was also passed for the better management of the Cunningham Hospital, on the nature and results of which I shall have occasion to touch in another part of this Report.

On the outbreak of cholera in Guadeloupe it was thought necessary to put the quarantine laws of the Island in force, and they having on revision been considered wanting in stringency, an Act was introduced for the purpose of increasing their efficiency, which, among other things, directs that during the existence of cholera or any other contagious or infectious disease in any of the neighbouring Islands, of which the Governor's proclamation to that effect shall at all times be sufficient evidence, no person shall land from any vessel arriving at this Island until such vessel shall have been boarded by the Visiting Officer, and permission given so to do. And the Governor is authorized

to use "all necessary means" to prevent such persons from landing without permission during the existence of cholera or any other contagious disease in any of the neighbouring Islands. This provision was no doubt intended to be applicable to any country in which any infectious or contagious disease may exist, but is so worded as to limit the operation of the extraordinary power it was intended to confer to the existence of cholera "in one of the neighbouring Islands," and to leave it unavailable as against every other part of the world. The necessary steps, however, will be taken for amending it.

Trade.

At the suggestion of the Home Government, an Act was passed to establish a Court of Inquiry into the causes of wrecks occurring on the coasts of this Island and of Anguilla, and another to assimilate the law of the Colony to that of England with regard to the fraudulent use of trade marks.

An Act to regulate the trade of the Island was also passed, the provisions of which are taken almost entirely from the Imperial Customs Consolidation Act.

Political Franchise.

In the Political Franchise there has been no change.

Council and Assembly.

In the course of the year 1865 the Executive Council was reduced from eleven to nine by the death of Mr. Tudor, and the absence without leave for more than three years of Mr. Roger. From the same causes, and also from the continued non-attendance of Mr. Burton Robinson, three vacancies occurred in the Legislative Council, of which two have since been filled up by the appointment to seats at the Board of Mr. Turner, the late Speaker of the House of Assembly, and Dr. Boon, a member of the Executive Council, and for many years also of the Assembly.

In the House of Assembly Mr. Cannonier, one of the members for St. John, Capisterre, having died, was replaced by Mr. Benjamin Davis.

Civil Establishment.

Of the public officers whose names appeared in the Blue Book for 1864, the Colony lost by death in the course of last year Mr. Tudor, the Surveyor of Roads, and Dr. Scudamore, the Medical Officer of No. 4 District. Mr. Tudor was replaced by the appointment of Mr. Dickinson, and Dr. Scudamore by the transfer of Dr. Dinzey from the Cayon District to No. 4.

Dr. Beard having obtained six months' leave of absence for the benefit of his health, Dr. Longheed, a gentleman who had been for some years in practice in St. Vincent, was appointed to act for him, and eventually, on Dr. Beard's return, and Dr. Branch's appointment to the office of Resident Superintendent of the Cunningham Hospital, was permanently appointed to No. 7 District. The vacancy in No. 3. caused by Dr. Dinzey's removal has not yet been filled.

Pensions payable out of the Revenues of the Colony.

The only pensions at present charged on the Colonial Revenues are for services in the police force, which in 1864 amounted to 105*l.* per annum, but were reduced by death in the course of 1865 to 67*l.* 10*s.*

Foreign Consuls.

No change. Mr. Delisle is, however, Consul for the United States, as well as for France, Sweden, and Norway.

Population.

The population, which in the early part of 1854 was upwards of 25,000 souls, was suddenly reduced by the destruction in the course of that year of some 4,000 lives by cholera, the census taken on the 1st January 1855 giving a total of only 20,741. By the census of the 6th April 1861 the total number was 24,440, showing an increase in the intervening six years and a quarter of nearly 600 a year,—a result not entirely borne out by the registration returns, but probably not far from the mark. Assuming, however, the correctness of the census of 1861, and taking, as I think may safely be done, the natural increase in the four years and three quarters immediately following at 300 a year, and the permanent addition during the same period by immigration at 1,000, the population of the Island at the close of 1865 would have been in round numbers 27,000.

ST. KITTS.

I am happy to be able to say, that although the rate of mortality among children of one year and under is still very high, it is lower in 1865 than it was in 1864. On this subject the Registrar General in his annual report observes,—"A reference to the tables "of births shows how large a proportion of infants continue to be the offspring of parents "unmarried, and such children, having for the most part but one acknowledged parent "to provide for them in the tenderness of their infancy, and that the one least able, fall "a sacrifice to want, and greatly augment the registrars' returns. We pay dearly, "therefore, for the social blot the birth returns exhibit."

That this view of the case is to a great extent correct, and that a general disregard of the marriage tie is the principal cause of the great mortality among children, I have little doubt; but it is not the sole cause. There is neglect of offspring on the part of the married as well as of those who live in concubinage; and the following figures will show, that while in the last three years the mortality among children has decreased, illegitimacy has increased:—

Years.	Births, Legitimate.	Births, Illegitimate.	Deaths, 1 year and under.
1863	623	588	416
1864	546	599	401
1865	608	638	370

Subjoined is an abstract of births and deaths during 1864 and 1865, and a table showing the causes of death from the 1st January to the 31st December 1865:—

Year.	No. of Births.	Legitimate.		Illegitimate.		Complexion.			No. of Deaths.	Adults.		Under 14 and over 1 year.		1 year and under.		Complexion.		
		M.	F.	M.	F.	White.	Coloured.	Black.		M.	F.	M.	F.	M.	F.	White.	Coloured.	Black.
1864	1,145	275	271	312	287	106	199	840	881	172	181	61	66	211	190	75	144	662
1865	1,246	318	290	329	309	129	225	892	786	145	161	54	56	204	166	94	119	573

CAUSES OF DEATH, 1865.

CAUSES OF DEATH.	No. of Deaths.	Adults.		Under 14 and over 1 year.		1 year and under.		Complexion.		
		M.	F.	M.	F.	M.	F.	White.	Coloured.	Black.
I. SPECIFIED CAUSES:										
A. *General Diseases.*										
Zymotic (epidemic, endemic, or contagious)	75	4	7	9	9	21	25	11	10	54
B. *Sporadic Diseases.*										
Dropsy, cancer, and other diseases of uncertain or variable seat.	24	10	7	4	1	2	—	2	6	16
Tubercular diseases	68	25	33	4	4	1	1	9	11	48
Diseases of the brain, spinal marrow, nerves, and senses.	62	18	15	3	1	16	9	3	9	50
Diseases of the heart and blood vessels	4	1	2	—	1	—	—	2	2	—
Diseases of the lungs and other organs of respiration	11	2	3	2	3	1	—	2	—	9
Diseases of the stomach, liver, and other organs of digestion.	209	33	19	20	23	65	49	28	34	147
Diseases of the kidneys	2	1	—	—	—	1	—	1	—	1
Childbirth, diseases of the womb, &c.	6	—	6	—	—	—	—	1	—	5
Rheumatism, diseases of the bones, joints, &c.	1	—	1	—	—	—	—	—	1	—
Diseases of the skin, cellular tissue, &c.	17	7	6	—	2	1	1	3	2	12
Malformations, &c.	2	—	—	—	—	2	—	—	—	2
Premature birth and debility	132	—	—	—	—	73	59	10	18	104
Atrophy	5	—	—	—	2	3	—	4	—	1
Age	69	25	44	—	—	—	—	8	8	53
Violence, privation, poison, and intemperance	25	10	4	2	4	1	4	3	2	20
	712	136	147	44	50	187	148	87	103	522
II. CAUSES NOT SPECIFIED	74	9	14	10	6	17	18	7	16	51
TOTALS	786	145	161	54	56	204	166	94	119	573

Savings Banks, Friendly Societies, Immigrants and Emigrants.

There is a savings bank in the town of Basseterre, established under the guarantee of the public credit, of which the Treasurer of the Colony is *ex officio* treasurer, and on deposits in which, interest at the rate of a little over three per cent. per annum is allowed; but for many years it has been very little used by the native labourer, who, when he saves at all, prefers to invest in live stock. The principal depositors during the last few years have been Coolie immigrants, who from time to time during their five years' service have lodged 532*l.* 11*s.* 9¾*d.* in the bank.

The friendly societies have decreased in number, owing principally to internal dissension.

Since 1861 forty freeholders have been added to the list.

The population of the Island has from time to time been augmented by the following importations of immigrants:—

Whence emigrating.	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	Total.
Great Britain	—	—	1	—	—	—	—	—	—	—	1
Madeira	106	157	253	103	77	43	50	219	—	—	1,008
Sierra Leone	95	—	—	—	—	—	—	223	—	—	318
St. Helena	137	—	—	—	—	—	—	—	—	—	137
East Indies	—	—	—	—	—	337	—	—	—	—	337
British West Indies	5	—	—	—	—	—	—	—	—	—	5

These figures are taken from a return to an address of the House of Commons, dated the 15th February 1865, and verified as far as possible by the Island records; but there was also an importation of some 200 English and Welsh immigrants in 1844–45, of the precise number of which I can find no trace among the public papers.

On the 9th of March last year, when I reported having visited all the estates in the Island on which indentured labourers were located, there were still under contract 235 Coolie, 233 Portuguese, and 215 African labourers, making a total of 683, exclusive of Coolie and Portuguese children under six years of age. Of those immigrants whose contracts had previously expired it was estimated that 700, principally Portuguese, had made their homes here; and to these may now, I imagine, be added the greater part of those immigrants of all classes whose time has since expired, making in all, in round numbers, probably 1,000 persons.

It appears from the report of the Superintendent of Immigrants, hereto annexed, that of the 337 Coolies imported in June 1861 the number of deaths has been as follows:—

Landed in a dying state, and never allotted	6
After allotment, but most of them ill on arrival	10
Murdered	1
Executed	1
Infants	4
Total	22

Of the 331 allotted, 312 only were of an age to enter into contracts, the remainder being children under six years of age.

At the termination of the third and fourth years of their engagement, 63 of them paid the prescribed amount in commutation of further service, and left for Demerara and Trinidad. On the 3d of June last the indentures of the rest expired.

With a view to retaining their services in the Colony, the Government offered a bounty of 10*l.* and a free back passage for their re-indenture for another period of three years, half the bounty to be paid by the planter and half out of the Immigration Fund. On the part of the labourers there was very little inclination to enter into fresh contracts on any terms, some declaring their intention of going to Demerara, and others, although not intending to leave the Island, preferring to remain free to work where they pleased to re-indenturing, notwithstanding that they were fully aware that by their refusal they would forfeit their right to a free back passage. Those few who seemed at first disposed to accept the bounty very soon apparently changed their minds, and the Superintendent reports that he found it impossible to ascertain from any of them what their real intentions were. The planters too, who were eager enough at first to re-indenture, have, on further consideration, declined to enter into fresh contracts.

St. Kitts.

Eighty-four Coolies have since left for Demerara, and of the 312, therefore, originally indentured, there would remain 143.

Of the 46 Portuguese under indenture on the 30th June, 19 completed their contracts on the 13th, and 15 on the 21st of last month, and the other 12 will be free on the 9th of October next.

All the adult liberated Africans became free on the 27th of August. There are still, however, 30 males and 36 females of the second class whose indentures will not expire until they shall have attained 18 years of age.

Besides these there are 11 Portuguese who arrived and entered into contracts here on the 22d August for three years.

I have recently invited applications for a further supply of Coolies, but comparatively few have been received. Occasional complaints are heard of a scarcity of labour, and of the unreliable character of the native labourer, but the importation of foreign labour is evidently no longer considered of vital importance.

Although I have never had any opportunity of observing the treatment of immigrants in any other Colony, I can of my own knowledge vouch for their having been well looked after and liberally and kindly dealt by here. The provisions of the law have as a rule been faithfully carried out, and many indulgences voluntarily accorded to which the law gave them no title.

As to the amount of emigration in 1865 I can get no information whatever.

The number of persons living in villages is returned as being 1,537, the same as in the previous year, but, so far as I am aware, no means have been adopted since 1861 of ascertaining the correctness of these figures, and but little reliance is to be placed on them.

The same may be said with regard to the children employed in agriculture, returned as much the same proportion as in England; whereas, although it is impossible to arrive at anything like certainty, there is little doubt, I apprehend, that it is infinitely greater here.

In the Blue Book there are said to be 36 paupers, but the average number of the inmates of the Cunningham Hospital during the latter part of 1865 was 91.

Ecclesiastical Return.

The following table shows the number of churches or chapels and clergy belonging to each church, together with the average number of attendants :—

Church.	No. of Churches or Chapels.	No. of Clergymen.	No. of Attendants.	
Church of England -	11*	7	2,010	* Of these, one, a chapel of ease in Basseterre, is entirely closed, the rector declaring himself incapable of continuing his ministrations in it without the assistance of a curate.
Moravian - -	4	5	2,250	
Wesleyan - - -	9	4	3,900	
Roman Catholic - -	1	1	250	

The Act No. 95, of the 20th August 1850, subject to vested interests, consolidated into three six of the nine parishes into which the Island is divided, giving one officiating minister to two of them. Up to the present time this measure has only taken effect as to four of the parishes, and there are, therefore, still seven clergymen of the Established Church in the Island. On the death, however, of the Rector of Trinity, the two remaining parishes will be united, and the number of clergy will be reduced to six.

The Act for the abolition of vestries makes no provision for building churches or parsonage houses near the centres of the united parishes, one consequence of which, as pointed out by your Excellency in your Blue Book Report for 1860, is that each parish is deprived of one service on Sunday, and another that the minister cannot properly perform his parochial duties without an amount of fatigue to which few men in this climate are equal.

The united salaries of the clergy of the Church of England amount to 1,796*l.* 10*s.* per annum. The total value of such glebes as there are is returned at 75*l.* per annum.

The churches and chapels belonging to the Church of England are capable of containing 3,720 persons, the Wesleyan 6,000, the Moravians 3,575, and the Roman Catholics 400. Divine service according to the rites of the Church of Rome is also performed twice a month at the house of a Catholic gentleman resident in the north-west quarter of the Island, which is attended by an average congregation of about 100, principally Portuguese immigrants.

Education.

The grants for educational purposes in 1865 amounted to 1,053*l.* 6*s.* 3*d.*, of which 500*l.* was in aid of schools for the industrial classes, and 553*l.* 6*s.* 3*d.* for the payment of masters for the Grammar School, including the inspection of the industrial schools.

The following are returns of the schools receiving Government aid, with the average attendance during 1864 and 1865:—

1864.

In connexion with	No. of Schools receiving Government Aid.	Average Daily Attendance.	School Fees.
			$ c.
Established Church -	9	379	351 43
Moravians - -	7	407	362 88
Wesleyans - -	8	456	434 68
Total - -	24	1,242	1,148 99

1865.

Established Church -	11	475	438 21
Moravians - -	8	398	414 50
Wesleyans - -	8	494	456 88
Total - -	27	1,367	1,309 59

These returns show an increase in 1865 of three in the number of schools as compared with 1864, 125 in the attendance, and 160 dollars 60 cents in school fees.

Having recently visited the schools receiving Government aid, I have come to the conclusion that, although there has no doubt been considerable improvement in the education given in them within the last four or five years, there is room for very much more, and that the inspection by the Principal of the Grammar School, from which so much was hoped, has not as yet been productive of the good results anticipated from it. But the chief obstacles to advancement are created by the parents, and loud complaints are made by ministers and teachers of the frequent interruption of their pupils' progress by their being kept back to work in the (fourpenny) gang which is employed on almost every estate.

Imports and Exports.

The following tables show the value of the Imports and Exports for the last five years:—

Imports.

Years.	Goods liable to specific Duties.	Goods liable to ad valorem Duties.	Goods admitted free of Duty.	Total Value of Imports.
	£	£	£	£
1861	68,181	55,382	13,375	136,938
1862	95,777	56,522	14,573	166,872
1863	89,443	51,882	10,560	151,885
1864	129,137	46,617	12,915	188,669
1865	76,977	60,729	13,688	151,394

Exports.

Years.	Sugar.			Rum.		Molasses.			Tous les mois and Arrow-root.	Salt.	Po-tatoes.	Other produce, value in Sterling.	Total Value of Exports the produce of the Island.	Total Value of Exports not the produce of the Island.	Total Value of all Exports, Sterling.
	Hhds.	Trs.	Brls.	Puns.	Hhds.	Puns.	Hhds.	Brls	Lbs.	Brls.	Brls.				
												£	£	£	£
1861	8,651	225	5,478	1,240	18	3,127	8	183	25,540	8,752	233	167	145,933	12,291	158,224
1862	9,765	14	6,444	1,404	20	3,127	–	273	15,168	6,616	275	173	159,836	16,121	175,958
1863	10,508	175	7,359	1,045	16	3,032	2	148	69,848	10,666	441	743	159,152	16,533	175,686
1864	5,188	220	4,776	321	15	1,850	–	12	118,420	23,207	1,458	1,523	110,953	14,455	125,408
1865	11,116	250	9,688	1,147	25	4,626	1	125	169,299	33,308	1,862	1,478	182,689	13,486	196,175

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With the exception of 1864, during which great drought prevailed, there has been a steady increase in sugar, while the export of tous les mois and arrowroot has also risen in the last five years from 25,540 to 169,299 lbs., and the salt ponds, which in 1861 yielded 8,752 barrels, gave under improved management 33,308 barrels in 1865, and will no doubt be made more productive still.

Shipping.

The following are returns of Shipping entered inwards and cleared outwards during the last five years :—

INWARDS.

Nationality of Vessels.	1861.		1862.		1863.		1864.		1865.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Great Britain	27	7,579	35	9,608	32	9,559	16	4,752	40	11,231
British Colonial	357	10,780	390	12,737	393	13,966	419	14,781	328	12,846
United States	40	5,448	29	4,585	10	1,795	10	1,439	12	1,782
Colonies of Denmark	1	268	2	536	4	449	13	126	14	666
Colonies of France	32	294	19	142	30	261	21	190	50	380
Colonies of Holland	123	754	116	553	103	753	87	682	138	1,167
Colonies of Portugal	1	131	—	—	5	528	2	239	4	524
Colonies of Hanover	1	174	—	—	1	171	1	322	—	—
Colonies of Sweden	53	310	70	1,627	55	2,031	51	2,027	53	1,023
Colonies of Spain	—	—	1	80	—	—	—	—	2	77
Mecklenburg	—	—	—	—	1	332	1	233	—	—
Venezuela	—	—	—	—	1	148	—	—	—	—
Flensburg	—	—	—	—	—	—	1	268	—	—
TOTAL	635	25,738	662	29,868	635	29,993	622	25,059	641	29,696

OUTWARDS.

Nationality of Vessels.	1861.		1862.		1863.		1864.		1865.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Great Britain	29	8,407	37	9,601	37	9,947	18	5,184	36	10,721
British Colonial	359	10,473	393	12,000	383	12,670	419	14,208	329	12,910
United States	39	5,438	29	4,513	10	1,795	11	1,534	13	1,893
Colonies of Denmark	1	268	2	536	4	449	12	393	14	666
Colonies of France	34	254	16	148	30	261	17	210	50	380
Colonies of Holland	123	747	107	647	103	753	56	686	136	1,111
Colonies of Portugal	1	131	1	131	5	528	2	239	4	524
Colonies of Hanover	1	174	—	—	1	148	1	322	—	—
Colonies of Sweden	50	255	68	1,354	55	2,031	52	2,041	53	1,100
Colonies of Spain	—	—	1	80	—	—	—	—	1	63
Mecklenburg	—	—	—	—	1	332	—	—	—	—
Flensburg	—	—	—	—	—	—	1	268	—	—
Venezuela	—	—	—	—	1	148	—	—	—	—
TOTAL	637	26,147	654	29,010	630	29,062	589	25,085	636	29,368

Agriculture.

The following statement shows the Sugar Crops of the last five years :—

Year.	Hhds.
1861	9,486
1862	10,700
1863	11,545
1864	5,932
1865	12,493

The whole area of the Island, according to M^{c}Mahon's survey of 1828, is 41,851 acres 2 roods 17 perches, of which, at that time, 18,464 acres 1 rood 12 perches were cane land, and 23,378 acres 1 rood 5 perches pasture, mountain, and uncultivated, including sites of sugar works and labourers' villages.

The aggregate number of acres of arable land comprised in the several sugar estates was returned last year as 19,230, of which 18,779 were said to be in cultivation, which would make the area under tillage in 1865 pretty much the same as in 1828.

It is not, therefore, to the extension so much as to the improvement of cultivation that the greatly increased production of the last few years is attributable.

The soil is rich, but light and very easily worked, and in tillage the St. Kitts planters are surpassed by none in the West Indies, agriculture here having advanced with rapid strides within the last 10 years. And the prompt adoption of implemental husbandry, and recourse to immigration, have enabled them to grapple with and conquer the difficulties consequent on emancipation, to which many of their neighbours for a time entirely succumbed.

No attempt, however, has yet been made to sever the growth from the manufacture of sugar. And on the latter but little care is bestowed, there being a want both of cleanliness and despatch in the boiling house. Indeed, the planter appears generally to consider weight of more importance than quality.

As a rule the estates appear to be economically worked. The cost, however, of producing a hogshead of sugar is still not less on an average than 10*l.*, and sometimes more.

The crop of the present year, which is now nearly closed, bids fair to exceed that of 1865. The extension of cultivation is only one of time and labour, and even now it is creeping slowly but steadily year after year up the hill sides.

The soil does not seem so favourable to the growth of cotton as of sugar. So long ago as 1788, in consequence of repeated failures in their sugar crops, an unsuccessful trial of cotton was made. High prices have also again given a temporary impulse to its cultivation, but I doubt if it will long survive the recent fall in the market.

The planter complains a great deal of the indolent and irregular habits of the native labourer. To judge, however, from the almost total absence of litigation between employer and labourer in the magistrates' courts, the relations between them cannot be on a very unsatisfactory footing. The current wages are 10*d.* to 1*s.* per day for men, 8*d.* for women, and 4*d.* for children.

Manufactures, Mines, and Fisheries.

The only mineral exported from this Island is salt.

Gaols and Prisoners.

The following return shows the number of convictions for felony in the Superior Criminal Court:—

Offence.	Sex.		Convicted.	Acquitted.
	M.	F.		
Assault with intent to do bodily harm	14	1	10	5
Murder	1	–	1	–
Larceny	7	1	6	2
Sheep stealing	1	–	1	–
Money, fraudulently obtaining	1	1	2	–
Cattle stealing	3	–	3	–
Rape, assault with intent	6	–	4	2
Concealing birth of child	–	1	–	1
Feloniously having connection against the order of nature	2	–	2	–
Forgery	2	–	2	–
Escape from penal gang	1	–	1	–
Setting fire to canes	1	–	–	1
Receiving stolen goods	2	–	2	–
TOTAL	41	4	34	11

As compared with 1864, it gives the following result:—

Convictions in Superior Court, 1864	47
„ „ „ 1865	34

The returns of summary convictions by magistrates, which I called for some months ago, have not yet been completed, and in consequence of this neglect on the part of the officers whose duty it is to prepare them I am compelled to close this Report, already

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too long delayed on this account, without any information on the important subject to which they refer.

Subjoined is a return of the number of prisoners in confinement in the Common Gaol during 1865:—

Number of prisoners committed—

For offences	Males	-	240
	Females	-	92
„ debt	Males	-	29
	Females	-	7
Total			368

Greatest number of prisoners in confinement on any one day, 7th January—

For offences	Males	-	55
	Females	-	16
„ debt	Males	-	5
	Females	-	2
Total			78

Smallest number of prisoners in confinement on any one day, 24th March—

For offences	Males	-	36
	Females	-	2
„ debt	Males	-	3
	Females	-	0
Total			41

Greatest number of prisoners at hard labour on any one day, 30th January—

	Males	-	47
	Females	-	7
Total			54

Smallest number of prisoners at hard labour on any one day, 3d October—

	Males	-	26
	Females	-	5
Total			31

Greatest number of prisoners sick on any one day, 26th January—

	Males	-	9
	Females	-	0
Total			9

Smallest number of prisoners sick on any one day, 31st October—

	Males	-	1
	Females	-	0
Total			1

Charitable and Literary Institutions.

At present there is but one institution in the Island for the reception of paupers, lunatics, and hospital patients, and none for that of persons afflicted with leprosy.

In a special report on the Cunningham Hospital last year, I mentioned in detail the several steps which had been taken to improve that institution, and remedy certain defects to which attention was called by the Secretary of State in 1864. It is not necessary, therefore, to do more than refer to them here. But in its management an improvement has been effected to which no allusion was made on that occasion. In my Despatch, No. 40, of the 30th March 1865, reporting a vacancy in one of the medical districts of the Island, I submitted a plan by which I thought that the services of a resident medical officer, to be responsible for the general government of the establishment, might be secured, and am glad to say, not only that this arrangement has since been carried out, but that the advantages resulting from it are already very apparent. By the Act passed for this purpose, the Board of Guardians has been abolished, and the entire control, subject to the Governor, vested in a medical chief, and under his

authority rules for the government of the hospital have been made by the Governor in Council, who is also from time to time to determine what subordinate officers are required, and to fix their salaries. It is true that the expectations formed of saving money by the new system have not been realized; indeed, the expenditure has been considerably increased, although not by any means out of proportion to the additional relief afforded by it. Within the present year the average number of inmates has risen from 91 to 116; and in the last quarter there were nearly twice as many patients admitted as in either of the corresponding quarters of 1864 or 1865. In fact, the place was constantly so full that it became absolutely necessary to provide temporary additional accommodation without any further delay, which has been done by hiring a house in the immediate neighbourhood. It is, however, intended, as soon as practicable, to build a separate asylum for lunatics, a measure urged by the medical superintendent, who reports that with the present arrangements "it is very difficult to treat satisfactorily "the cases of mental derangement placed under his care, and it is likewise impossible "to prevent casualties occurring by the escape of lunatics, or by their quarrelling with "and assaulting the other inmates of the establishment, without putting them under such "close and constant restraint as would preclude the chance of their recovery, seriously "injure their general health, and subject them to such punishment as should only be "inflicted on criminals."

With regard to lepers, although it does not appear to have been intended by the Legislature that they should be a charge on the hospital funds, the Board of Guardians, finding no special provision made for them, humanely adopted with respect to them a system of out-door relief as the only one applicable to persons afflicted as they are, and for some years past every leper in the Island has received a weekly allowance from the hospital. The superintendent, however, complains, and not, I think, without some reason, of the inconvenience, nuisance, and danger of a weekly assemblage of these unfortunate persons at the entrance of the public hospital, and recommends, on that and other good grounds, the establishment of a lazaretto. Indeed, so strongly did I feel the necessity for a place of the kind, that during my administration of this Government last year I made a proposal for the conversion of some of the remaining buildings on Brimstone Hill into an asylum for these unhappy people, who are reported to be on the increase here. To this project, as one from which much alleviation of human suffering might be expected, the Secretary of State promised his cordial co-operation, on condition that the law of the Colony, with regard to the apprehension and imprisonment of lepers at large asking alms or seeking precarious support, should be amended, so as to prevent such an asylum from being made a place of undue confinement and restraint. And I propose to take the earliest opportunity of introducing a measure in accordance with those views.

Anguilla.

Anguilla lies 60 miles north-east of St. Kitts. It is 16 miles in length, and varies in breadth from three miles to one and a half, containing an area of 35 square miles.

This Island was so fully described by your Excellency in 1860, that it is unnecessary for me to add to the length of this Report by any remarks of my own on the subject.

It forms part of the Lieutenant-Government of St. Kitts, but the local administration is in the hands of a stipendiary magistrate paid by the Imperial Government, assisted by a vestry, of which he is the president.

The vestry consists of the president, the rector, and 11 members elected by the male inhabitants who pay rates.

By an Act of the Legislature of St. Christopher and Anguilla of the 27th February 1846, the vestry, subject to the approval of the Lieutenant-Governor, was authorized to levy taxes for local purposes. The Act under which these taxes are raised has never, it seems, received the sanction of the Crown, which was withheld on the ground that no Colonial Legislature can lawfully or constitutionally delegate such extensive powers to any subordinate authority, inasmuch as they are vested in the Colonial Legislature itself, subject to many restrictions and qualifications, which are not extended, and which indeed could not have been extended, by that Act to the vestry of Anguilla in the exercise of the powers of taxation thus confided to them. This power has nevertheless been continuously exercised, without further exception taken, from the passing of the Act to the present day.

The taxes raised under it are on houses, land, imports, and licences for retailing wines, spirits, and other goods. Besides the revenue derived from these taxes, there is a royalty of 2½*d.* payable on every barrel of salt exported from the Island, which has been

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made over to the Colony by the Crown, and which in 1864 yielded 470*l.* 2*s.* 10*d.*, and last year 157*l.* 7*s.* 11*d.*

Annexed is a statement of the revenue and expenditure of the Island for 1864 and 1865, that of the latter year being given in detail; also a list of the principal officers on the civil, judicial, and ecclesiastical establishments.

The cultivation of sugar has been virtually abandoned. On visiting the Island last year, I found but one small patch of very indifferent canes, not an acre in extent. The soil and climate are evidently better adapted for the growth of cotton, the cultivation of which was considerably extended under the stimulus of the high prices which prevailed during the American war, and there were said to be from 800 to 1,000 acres in cotton last year.

The people of Anguilla are a remarkably fine-grown race, and easily distinguishable among the inhabitants of all the neighbouring islands. Their habits are very migratory. The population is said to be increasing, but hardly, I think, exceeds 2,500.

There is no church, but Divine Service is regularly performed in the school-house, and there are two Wesleyan chapels, with one officiating minister for Anguilla and the neighbouring island of St. Martin. The majority of the population is Wesleyan. There are two Church and several Wesleyan schools in the Island.

The improvements in the administration of justice effected during the past year are noticed in a former part of this Report, under the head of Legislation.

I have, &c.

His Excellency the Lieut.-Governor, Administering the General Government, Antigua.

(Signed) JAS. R. HOLLIGAN.

Sub-Encl. in No. 14.

Sub-Enclosure in No. 14.

A.

Sir, Immigration Office, St. Kitts, 30th June 1866.

I have the honour to report, for the information of his Honour the Administrator of the Government, that of the 337 Coolie immigrants imported here in June 1861 the deaths to date have been as follows:—

Infants	4	
Adults after allotment	10	Most of them were ill on arrival.
In hospital and never allotted	6	Landed nearly in a dying state.
Murdered	1	
Executed	1	
Total	22	

Of the 331 allotted, only 312 were by age competent to enter into indenture, the remaining number being children under six years of age.

At the termination of the 3d and 4th years of indenture, 63 of these immigrants paid the amount prescribed under the 24th section of the Immigration Act, No. 152, in commutation of further service, and left the Island for Demerara and Trinidad.

On the 3d instant the indentures of the remaining number expired.

With the view of securing their services, I have endeavoured to ascertain, as directed by his Honour, how far they might be induced, by the gratuity of 10*l.* and a free back passage, to re-indenture for another period of five years, on the same terms as they did for the last five years, under 24th section of the Immigration Act.

This offer was pretty generally declined. Some declared their fixed intention to leave for Demerara, and others expressed their unwillingness to re-indenture, preferring, as they stated, to work when and where they pleased, notwithstanding I explained to them that their refusal to re-indenture would deprive them of the privilege of a free passage, and compel them to pay 7*l.* 5*s.* 10*d.*, or 73 rupees, in order to their return to Calcutta after 10 years' residence.

A few only, in all about 30, seemed willing to accept the offer of a free back passage and the bounty of 10*l.* for a re-indenture of five years, either, as I explained to them, by contracting annually, or for three and afterwards for two years to the same or any other estate.

These I requested to select their estates and employers, and to give me notice of their intention to re-indenture, and I would then be able to let them know whether the Government would put me in a position to carry out the arrangement for the payment of the gratuity.

Their movements, however, have since been so shifting and uncertain that up to this time I have been unable to ascertain with any degree of certainty what are their wishes in this respect, and how many are disposed to accede to these terms.

The planters too, who were eager enough at first to accept a re-indenture on payment of half bounty, have since nearly all declined to do so, being, as they state, convinced that the recipients of the 10*l.* would run off the Island to Demerara or Trinidad on the first opportunity, an opinion in which I fully coincide, as many of those who have remained are, I believe, compelled to do so for the want of means to get away.

On the 17th instant 61 Coolies who had obtained industrial certificates left the Island with their children in the Royal Mail Steamer for Demerara, and on the 28th instant 23 more followed for the same Colony in the sloop "Mary Ann." These immigrants took away with them, I understand, a large amount of ready money. I am convinced that nowhere can immigrants be better treated than these have been in this Island, and that by-and-by they will find it to their cost, that their departure has not been of advantage to them, either in respect of wages, treatment, or the enjoyment of their health.

After this exodus there must therefore be in the Island 143 of the original 312 Coolies capable of signing a re-indenture, exclusive of some children who have since become adults.

The Coolies are in my opinion not a grateful race. Very many instances have come under my observation in proof of this assertion, one of which I may mention:—The interpreter, De Cruise, a Coolie, who came with the immigrants as a supernumerary cook, landed here with only the garments on his person. I furnished him gratuitously with clothes, and employed him as interpreter for a little time at $12 a month, with a house, shortly afterwards raised to $16, and within the last three years to $20 a month, with $5, and all my cast-off clothes, added from myself, to say nothing of his being often fed from my table. This would seem, for a person who could neither read nor write, landed here in his destitute condition, as something for which to be grateful; yet this man, who, notwithstanding his high wages, had not saved money, was the first to declare his intention of leaving for Demerara, and doubtless his determination considerably influenced his countrymen to follow him.

Another inducing motive too, I am led to understand, was their belief that no more Coolies would be imported here, and their longing desire to go where they would find a large number of their race.

The class of immigrants most preferred by the planters is the Portuguese. A cargo of 150 was written for from Madeira some months ago, but up to this time nothing definite is known as to whether we are likely to obtain them. The authorities in that Island have lately thrown so many obstacles in the way of emigration, that I am by no means sanguine of success in the application from that quarter.

The planters are everywhere crying out for the importation of more immigrants.

Liberated Africans can only be obtained when there is a supply at Sierra Leone, and I believe there are not any there now. It would therefore seem that the only course open is to supply the want from India.

A planter assured me a few days ago that this year's and next year's crop would fall short for want of labour, and that he would gladly employ 50 people daily, in addition to those then working on his estate.

There are at present only 46 Portuguese immigrants under indenture; of these, 19 will be released from their contract on the 13th August, and 15 on 21st August next, and 12 on 9th October next.

The indentures of all the adult liberated Africans will expire on the 27th August next.

The health of these immigrants has been remarkably good since their location.

I have, &c.,
(Signed) Wm. Padmore,
Superintendent of Immigrants.

W. P. Clarke, Esq.,
Private Secretary.

B.

Revenue and Expenditure of Anguilla.

1864.

Revenue.	Expenditure.
£891 10 1½	£472 4 9½

1865.

Revenue.	£	s.	d.	Expenditure.	£	s.	d.
House and land tax	107	9	9	Civil establishment	88	5	4
Arrears of do.	27	2	6½	Ecclesiastical establishment	62	10	0
Import duties	252	2	7	Judicial establishment	165	4	2
Rent from Salt Company	157	7	11	Rent of buildings	10	0	0
Licences to retail—				Purchase and repair of court-house	267	1	11
Spirit £36 13 4				Relief of poor	58	1	1
Merchandise 9 4 4½	45	17	8½	Prison	14	7	11
Fines and costs	28	19	0	Miscellaneous	63	10	6½
Seizures	1	8	4½	Treasurer's commissions	31	0	3
	620	7	10½		760	1	2½

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C.

Principal Officers in Anguilla.

Office.	Name.	Date of Appointment.	By whom appointed.	Salary.	From what Fund.	Remarks.
				£ s. d.		
Presiding Magistrate -	Geo. Alsbury -	5 Dec. 1863	The Crown -	450 0 0	British Treasury	Is also President of the Vestry with 50*l.* per annum.
Treasurer - -	Do.	1 June 1864	Lieut.-Governor	Nil.	—	Receives commission of 5 per cent. on all receipts. Average commission 30*l.* per annum.
Colonial Secretary -	J. P. C. Lake -	19 April 1865	Administrator of the Government.	30 0 0	Anguilla Treasury	Fees averaging 8*l.* per annum.
Registrar - -	Do.	Do.	Do.	Nil.	—	Fees averaging 20*l.* per annum.
Coroner - -	Do.	Do.	Do.	8 6 8	Anguilla Treasury	
Notary Public -	Do.	Do.	Do.	Nil.	—	Fees averaging 8*l.* per annum.
Provost Marshal -	Joshua Lake -	18 Dec. 1865	Lieut.-Governor	25 0 0	Anguilla Treasury	Fees averaging 8*l.* per annum.
Clerk of Vestry -	Do.	3 Mar. 1866	Do.	15 0 0	Do.	
Officiating Minister -	Rev. H. Warneford	1 July 1855	Bishop of the Diocese.	185 0 0	British Treasury	Receives 15*l.* per annum from Anguilla Treasury.
Schoolmaster - -	S. E. Arthur -	4 June 1866	Do.	39 3 4	Do.	Receives 12*l.* 10*s.* per annum from Anguilla Treasury.

The Chief Justice of St. Christopher is the Chief Justice of Anguilla, and receives 100*l.* per annum from British Treasury.

Nevis.

No. 15.

NEVIS.

No. 15.

Copy of a DESPATCH from Lieutenant-Governor Sir Benjamin Pine to the Right Honourable the Earl of Carnarvon.

(No. 157.)

My Lord, Leeward Islands, Antigua, 19th October 1866.

No. 39, Sept. 27, 1866.

I have the honour to transmit to your Lordship a Despatch from the Administrator of the Government of Nevis, forwarding, with his Report thereon, the Blue Book of that Island for the year ended 31st of December 1865.

I have, &c.,

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) BENJ. C. C. PINE.

(No. 39.)

Sir, Queen's House, Nevis, 27th September 1866.

I have the honour to forward to your Excellency the Blue Book for 1865.

1. *Taxes, &c.*

Duties and other sources of revenue have been increased in the ratio of 25 per cent. on imports and exports, in order to meet the exigencies of the Colony arising from long-outstanding claims accumulated from year to year.

The result of this increase of impost is, that these exigencies, of whatsoever nature, are now in a rapid process of liquidation, and bid fair that in 12 months the Colony will be free from debt.

2. *Fees.*

Fees are now being abolished; the Legislature has passed an Act to abolish burial fees, at the same time respecting vested rights, by compensation from the Public Treasury. This measure is hailed by all members of the community as a great boon. Other

reformations in the Departments exacting fees are now under consideration, and the same measure meted to the Ecclesiastical Establishment will no doubt be promptly done to others.

3. *Revenue, &c.*

The Revenue and Expenditure of the Colony have both been increased—the first necessarily to meet the latter. Hitherto 5,000*l.* have on an average met the annual expenditure, and under ordinary circumstances would meet the current expenditure of any given year; but as a public debt of 4,150*l.* had to be paid, so larger means had to be provided. With this object in view, it was resolved by the Government that a loan of 2,000*l.* should be contracted, and that debentures not exceeding 500*l.* should be placed in the market, the first payable in 24 months, and the latter in 12. So far as these engagements are concerned, they have been kept, and there is no reason to doubt the public faith in respect to the redemption of the debentures.

4. *Comparative Statements, &c.*

The statements contained in the book explain the respective causes of increase and decrease.

5. *Local Revenues.*

Consist of taxes assessed by the respective vestries, varying from four to six per cent. per annum on all real and household property. It is, however, thought advisable to abolish the institution of vestries, and to provide for all parochial expenses out of the General Revenue of the Colony.

6. *Public Debt.*

The Public Debt amounts to 4,150*l.*; there is, however, every reasonable prospect, as is before mentioned, that this amount will be liquidated in a short time.

7. *Military Expenditure.*

None.

8. *Public Works.*

The partial circumvallation of the Charlestown Cemetery represents Public Works for the year; it is now in part completed, and will require at least 150*l.* to perfect its completion, but this can hardly be effected until the Public Debt is paid.

9. *Legislation.*

The following Acts have been passed:—

1. "An Act to make the Salaries of Public Officers and of other Persons payable by "monthly in place of quarterly Payments."
2. "An Act to regulate the Employment of Convicts in Works of public Utility."
3. "An Act to impose a Tax upon Horses, Carriages, and other Vehicles."
4. "An Act to authorize the Payment of Compensation to Witnesses in Cases of "summary Convictions and Orders."
5. "An Act to regulate the Sittings of the Police Magistrate in the Town of Charles-"town and in the Parishes of Saint James and Saint George."
6. "An Act to authorize the Administrative Committee to raise by Loan the Sum of "Two thousand Pounds, Sterling Money, and to impose additional Duties for "the Payment thereof."
7. "A Proclamation regulating the Value at which the Peseta should be received at "the Treasury."
8. "An Act to apply the Sum of 5,288*l.* 0*s.* 10¼*d.* of the Public Revenue for the "Service of the Year 1865 as per Schedule annexed."
9. "An Act to render valid Acts hereafter to be passed by the Legislature of this "Island which may receive the Sanction of the Executive Authority "subsequently to the Termination of the Session in which the same may "be passed."

10. " An Act to authorize the Administrative Committee to raise by Loan for the " Public Service the Sum of 500*l.*, and for securing the Repayment of the " same."
11. " An Act to provide for Appeals from summary Convictions and Orders before " Justices of the Peace."
12. " An Act to establish an Appeal from the Decisions of the Judge of the Court of " Complaints."
13. " An Act to extend to the Island of Nevis the Jurisdiction of the Court of " Appeal for the Leeward Islands."
14. " An Act to repress Trespasses by Stock."
15. " An Act to repress Trespasses by Sheep."
16. " An Act subsidiary to the Import and Export Tax Act, dated the 28th day of " December 1858, and to an Act entitled 'An Act to alter and amend the " Import and Export Tax Act, dated 15th day of December 1859."
17. " An Act to repeal an Act to provide for the Amendment and Preservation of " the Public Roads and Highways, and to make Provision in lieu thereof."
18. " An Act to provide for the Appointment of a resident Chief Justice."
19. " An Act to regulate the Costs of the Barristers and Attorneys of this Island."
20. " A Proclamation offering a Reward of 500*l.* for Information in felonious Attempt " to set fire to Queen's House."
21. " A Proclamation proroguing the Legislative Houses from 7th November to " 7th December."
22. " A Proclamation declaring Guadeloupe to be an 'infected Place,' and to " establish Quarantine Regulations."
23. " An Act to enable the President in Council to make Regulations for the " Government of the Pier, and to authorize the Payment of all requisite " Repairs to such Pier, and also the Salary of a Pier Keeper, out of Moneys " raised under and by virtue of the Tonnage Act."
24. " An Act to abolish certain Burial Fees, and to make Compensation to the present " Officers for and in lieu of Fees."
25. " An Act for the Relief of Insolvent Debtors in the Island of Nevis."
26. " A Proclamation declaring Dominica, Saint Martin's, and Sombrero to be infected " Places, and to establish Quarantine Regulations."
27. " An Act to simplify and expedite the Administration of Justice."
28. " A Proclamation proroguing the Legislative Houses to the 4th day of December.
29. " An Act to establish a Post Office in the Island of Nevis."

10. *Political Franchise.*

Remains as heretofore reported, although it is certain that a change is necessary. The intelligence of the community is but partially represented, as against the petty holders of fragments of land; as for instance, leaseholders of 100 or 1,000 acres of land, with approved mental qualification, have no part at elections, although their investments may be worth one hundred fold more than that of the small freeholder.

11. *Councils and Assembly.*

These institutions, as recognized, subsist during Her Majesty's pleasure. The Assembly is elective, and is of annual duration.

12. *Civil Establishment.*

Comprise all officials. In this Department there is no subject for report.

13. *Security for discharge of Duties.*

The same as have been hitherto reported.

14. *Pensions.*

The same.

15. *Abstract of Expenditure.*

Reflected by Sections 3 and 4, which need no further comment.

16. Nil.

17. *Population.*

Population, as respects numbers, is almost stationary. In the chapter of births and deaths the advantage is in favour of births, but, as a matter of fact, emigration reduces the balance. This has been the misfortune of Nevis for many years.

18. *Savings Banks, &c.*

None.

19. *Corns, &c.*

Represented in their proper places.

20. *Imports and Exports.*

These are subjects of report second only to agriculture. The staples hitherto have been sugar, rum, and molasses; cotton may now be added. There are upwards of 500 acres of land under cultivation of this article, and as the staples have increased, so it is to be hoped the trade of the Colony will be more largely developed.

21. *Shipping.*

It is to be regretted that the amount of tonnage has decreased as compared with former years, both inwards and outwards, but this anomaly may be explained by the fact that a very considerable portion of the trade of the Colony is now carried on in large unregistered boats not given as tonnage.

22. *Agriculture.*

A decided extension in agriculture has taken place. The article cotton, for half a century abandoned, now promises to become a staple in the true sense. There are, however, complaints in respect to the supply of labour, although the daily wages offered seems to be sufficient.

23. *Manufactures, &c.*

Nothing worthy of remark.

24. *Grants of Land.*

No Crown lands reserved for this purpose.

25. *Gaols, &c.*

There is one gaol in this Island, capable of containing 75 prisoners. The average of occupants is 15 per day. These are under the superintendence of three male and one female officers. The gaol is attended by a paid chaplain and a paid surgeon.

26. *Charitable Institutions, &c.*

There is an asylum for the relief of the indigent poor. The occupants average about 30. It is provided for by an annual grant of 250*l.* per annum. At present it is contemplated to enlarge the buildings, with a view to greater usefulness and convenience.

27. On a general review of the state of the Colony, I have no hesitation in stating that it is lifting itself from debt, and bids fair at no distant period to be happy and prosperous.

I have, &c.,
(Signed) WALTER MAYNARD,
Administrator.

His Excellency Sir B. C. C. Pine,
Lieutenant-Governor, &c. &c.

VIRGIN ISLANDS.

No. 16.

VIRGIN ISLANDS.

No. 16.

COPY of a DESPATCH from Lieutenant-Governor Sir BENJAMIN PINE to the Right Honourable EDWARD CARDWELL, M.P.

(No. 99.)

SIR, Leeward Islands, Queen's House, Nevis, 8th June 1866.

I HAVE the honour to transmit to you a Despatch from the President of the Virgin Islands, forwarding the Blue Book for 1865, together with a Report thereon by the Colonial Secretary.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) BENJ. C. C. PINE.

(No. 39.)

SIR, Tortola, 25th May 1866.

I HAVE the honour to forward the Blue Book of this Colony for 1865.

2. I arrived in the Virgin Islands at the end of the year. I have therefore requested the Colonial Secretary to draw up the usual Report for 1865. I regret to have to add, that my subsequent personal experience tends to corroborate his gloomy statements under the heads of education and agriculture.

3. In consequence of the death, in February last, of the late lamented Treasurer, Mr. Sinclair Bryan, the return has been unavoidably delayed.

I have, &c.,

His Excellency Sir B. C. C. Pine, &c. &c. &c. (Signed) ARTHUR RUMBOLD.

SIR, Colonial Secretary's Office, Tortola, 22d May 1866.

I HAVE the honour to forward the Blue Book for the year 1865, and, in compliance with your desire, I make a few remarks on the same.

Revenue.

2. The Revenue of 1865 shows a decrease, compared with that of 1864, of 217*l.* 2*s.* 2½*d.* This appears to be, in the first place, due to the taxes on houses, male servants, and dogs for the year 1863 having been brought to account in 1864; secondly, to a decrease in the importation of articles liable to import duties, and the repeal of the tax on produce.

Expenditure.

3. The actual Expenditure of 1865 amounted to 1,891*l.* 15*s.* 11¾*d.*, being less by 178*l.* 15*s.* 2½*d.* than that of 1864. There were, however, some outstanding accounts at the close of the year for rent of buildings, printing, &c., which could not be paid off; those added to the difference between the amounts paid on the consolidated debt in 1864 and 1865, say 102*l.* 19*s.* 4½*d.*, would very nearly equal the amount expended in 1864.

Local Revenue.

4. The Local Revenue stated at page 44 is exclusively appropriated to the repair of the public roads, and is derived from those persons who object to labour on the roads.

Public Debt.

5. The original amount of this debt was 4,619*l.* 14*s.* 1*d.*, 489*l.* 19*s.* 11½*d.* of which was paid off previous to 1864, in which year a compromise of the balance was effected with the creditors of 2*s.* in the pound, by three instalments, and 206*l.* 9*s.* 1*d.* was paid on it in 1864, and 103*l.* 4*s.* 8½*d.* in 1865.

The balance of this debt will be paid off this year.

Military.

6. The expenditure on account of the Militia amounted to 36*l.* 17*s.* 1½*d.*, chiefly for the pay of the drummer and fifer, and care of the arms.

Public Works.

7. The sum of 46*l.* 13*s.* 10*d.* was expended out of the funds of the Colony in repairs of various public buildings, the largest item being for repairing the pier, the erection of which, in the year 1861, has proved of immense convenience to the public generally.

By the great liberality of Her Majesty's Government in the grant of 607*l.* 19*s.* 7*d.* to the Colony from the first year's rental of Sombrero, the building of a court-house and public offices, so much required, has been commenced, and the sum of 298*l.* 14*s.* 1½*d.* was expended to 31st December. The total estimated cost was 1,050*l.*, but, from the actual expenditure as far as the building has progressed, it appears that the estimate was short by about 140*l.*

This building, when complete, will not only be a great improvement on the present system of leasing private houses, of very inadequate accommodation and security, for a court-house and public offices, but will be a saving of an annual expenditure of upwards of 70*l.*

Legislation.

8. Two Ordinances only were passed in 1865; namely, "An Ordinance to repeal the Boat Licence Ordinance, and to make other enactments in lieu thereof;" and an Ordinance to appoint a Stipendiary Magistrate. The first Ordinance differs from the one it repealed chiefly in requiring the measurement of the boats to be over all from the outer part of the head of the stem to the outer part of the head of the stern post, and by increasing the penalty for evading the payment of the tax.

The last-named Ordinance was passed with a view to obtain the services of a legal gentleman to preside at the Court of Petty Sessions.

Population.

9. The census taken in 1861 showed the population of the Virgin Islands to be - - - - - - - - - - 6,051

Since which the births and deaths have been as follows:—

	Births.	Deaths.
1861 - - - - - -	184	124
1862 - - - - - -	217	149
1863 - - - - - -	273	163
1864 - - - - - -	227	157
1865 - - - - - -	215	133
	1,116	726

showing an excess of births over deaths of - - - - 390

making the present population about - - - - - 6,441

As there has been no immigration or emigration of any consequence, many of the labourers resort to St. Thomas for a few weeks at a time, earn a few dollars at the Royal Mail Steam Packet Company's Coalyard, and return to spend it in idleness; these must still be considered as a part of the population of the Virgin Islands.

Poor.

10. The relief afforded to the destitute poor in the Colony forms a heavy item in the expenditure, being over nine per cent. of the gross revenue, yet the allowance does not in general seem adequate to the individual requirements of the paupers.

Education.

11. There are in the daily schools attached to the Established Church 193 children, and in those of the Wesleyans 283, making a total of 479 children. No children under the age of 5 nor over 12 years are admitted into these schools, hoping thereby to turn their attention more to husbandry; this does not appear to have had the desired effect, for it is notorious that the present growing generation are less disposed to labour, and are more lawless, than those who immediately preceded them; and, in fact, every year shows the labouring population to be fast falling into a state of semi-barbarism.

VIRGIN ISLANDS.

Imports and Exports.

12. There have been no Imports direct from the United Kingdom; all Imports therefrom come by the Royal Mail Steam Packets, and as none of these vessels touch at this port the goods passing through the Danish Island of St. Thomas appear as Imports therefrom.

There is very little trade between the Virgin Islands and any other Island than St. Thomas.

	£	s.	d.
The Imports in 1865 were - - -	8,638	7	0
„ 1864 „ - - -	8,148	4	6
Showing an increase of - - -	490	2	6

Had there not been the casualty of a wreck, the Imports from which amounted to 1,429*l.* 7*s.* 9*d.*, there would have been a decrease of 939*l.* 5*s.* 3*d.*

The duties on Imports are not general, but confined to a few articles.

The Exports of the Colony consist chiefly of cattle and small stock, cotton, charcoal, building lime, and sugar cane.

	£	s.	d.
The value of the Exports for 1865 was -	8,637	2	0
In the previous year - - - -	12,306	16	0
Showing a decrease of - - -	3,669	14	0

Agriculture.

13. There is no means of arriving at anything like a correct estimate of the acreage of cultivated land, or of the value of the produce; the cultivation of sugar is almost abandoned, the 20 estates mentioned in page 205 of the Blue Book as being "sugar estates" simply mean so many properties, with one or two exceptions, not deserving the description of "cultivated estates."

The cotton cultivation is extremely scattered, and, with perhaps one exception, no cultivator is at all able to give an approximate idea of the number of acres he has in cultivation. The cotton crop exported in 1865 exceeded in weight, though not in value, that of 1864 by 10,105 pounds; the difference in value is caused by the fluctuating price given at St. Thomas for the article, whither all the cotton was exported, and most of it sold.

The cultivation of cotton is increasing; in 1863 there were only 5,375 pounds exported. There is no doubt that capital invested in the cultivation of cotton in the Virgin Islands would prove to be a judicious investment if labour could be imported, the soil being peculiarly well adapted to the rearing of this staple.

Gaols and Prisoners.

14. There was but one felon committed to prison during the year; he was a boy who in the heat of passion threw a stone at another boy with whom he was fighting, which caused his death; the circumstances of the case appear not to have been considered by the Court aggravated, as the boy was only sentenced to three months' imprisonment with hard labour; seven were committed for theft; twelve for assaults; four for want of surety to keep the peace; fourteen for petty offences, and one for debt. This does not, however, show a true statement of the number of offences brought before the Court, for the fines imposed by the Magistrates being in general exceedingly moderate, the parties pay them at once.

There were 115 convictions before the Court of Petty Sessions, five of which were for trespass of stock; the remaining 110 were for assaults, thefts, destruction of property, and the like. Of this last number 77 paid their fines, varying from 3*l.* to 2*s.*

The number of sick prisoners stated in columns 10 and 11, page 224, were not seriously ill, but suffered from the low fever which prevailed here during the fall of the year.

Some trifling repairs were made to the gaol during the year, and it can now be reported in good order.

I have, &c.,

Sir Arthur Rumbold, Baronet, (Signed) GEO. H. A. PORTER,
President administering the Government, Colonial Secretary.
&c. &c. &c.

DOMINICA.

No. 17.

No. 17.

Copy of a DESPATCH from Lieutenant-Governor Sir BENJAMIN PINE to the Right Honourable the EARL OF CARNARVON.

(No. 67.)

Government House, St. Christopher,
31st October 1866.

MY LORD,

I HAVE the honour to transmit to your Lordship the Blue Book for Dominica for 1865, together with Lieutenant-Governor Longden's Report thereon.

No. 100, Oct. 20 1866.

I have, &c.,
(Signed) BENJ. C. C. PINE.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

(No. 100.)

Government House, Roseau, 20th October 1866.

SIR,

I HAVE the honour to forward herewith the Blue Book of this Colony for the year 1865, with my Report thereon.

Taxes, Duties, and other Sources of Revenue.

1. During the year 1865 several Acts were passed by the Legislative Assembly with a view of increasing the permanent Revenue, which has since 1860 been insufficient to meet the expenditure.

2. By an Act passed on the 6th of March 1865, the Excise duty on rum was increased from 1*s.* 6*d.* to 2*s.* 3*d.* a gallon. The effect of this increase of duty is not satisfactory, as it appears from the comparative returns of the Revenue that the rum duty received in 1865 was 462*l.* less than in 1864. The decrease is said by the Colonial Secretary to be "wholly unaccountable," but it is in my opinion owing partly to the impetus given to smuggling by the high duty, and partly to the defective state of the law. A new Bill is now before the Legislative Assembly, the provisions of which will, I hope, be found sufficiently stringent to protect the honest trader and prevent the frauds now practised on the Revenue.

3. The Custom duties were raised in 1864, and 10 per cent. added in 1865. They vary generally from 11 to 22 per cent. The present tariff is in force only until the 1st of January next. Some of the duties on salt fish and other food of the people ought to be reduced, but the bulk of the tariff cannot be reduced until the debts of the Colony are paid off.

4. By an Act passed in June 1865 a direct tax was imposed on all houses and huts scattered over the Island not before taxed; also an income tax on all "salaries, fees, and emoluments," at the rate of three per cent.; and a duty on every boat or flat. By the same Act heavy annual licences were imposed upon merchants, shopkeepers, and pedlars; upon barristers, solicitors, and medical practitioners; and upon civil engineers, surveyors, auctioneers, printers, druggists, millwrights, blacksmiths, butchers, boatmen, and porters. The tax on houses under this Act has proved very oppressive upon the poorer classes, chiefly through the difficulty of assessing the tax, and the want of adequate means of collecting it. I intend to propose the repeal of the tax, which is exciting much reasonable discontent. The other direct taxes must be continued for the present.

Fees.

5. The coroners were paid by a fee from the Public Treasury on each inquest held by them. Under this system the number of inquests gradually increased, and the expense of this service was augmented in proportion. In 1866 a Bill was passed granting fixed salaries to each of the three coroners in lieu of fees. This Act will effect a considerable saving.

6. The fees payable on legal proceedings were fixed in 1832, and are complained of as burdensome. On a general revision of the Acts regulating the administration of justice, provision should be made for regulating the fees on a more moderate scale.

7. The fees of the Roman Catholic clergy are voluntary gifts of the members of their Church, and are not recoverable by law.

Revenue and Expenditure.

8. The Revenue received in 1865 was 13,271*l.* 18*s.* 9*d.*, being an increase of 1,101*l.* 18*s.* 8*d.* over that of the year 1864 (exclusive of the loan). The increase is due to the increased Custom duties, and new taxes. The rum duties and road collections decreased to the extent, together, of 708*l.* 17*s.* 2*d.*

9. The Expenditure was 12,786*l.* 16*s.* 2*d.* This included a sum of 3,480*l.* 1*s.* 6*d.*, the amount of arrears of salaries to public officers, and other debts of 1864 paid in 1865.

10. On the other hand, there were on the 31st December 1865 the following outstanding liabilities:—

	£	*s.*	*d.*
Arrears of officers' salaries for 1865 unpaid -	3,579	3	4
Contingent claims for 1865 - -	698	13	6
Police clothing due since 1861 - - -	110	11	6
Total - - -	4,388	8	4

Public Debt.

11. The Public Debt at the end of 1865 consisted of the liabilities above named, and of a sum of 6,520*l.* due to Her Majesty's Government on account of the Hurricane Loan of 1836, making a total debt of 10,908*l.* 8*s.* 4*d.*

Public Works.

12. The principal public work proceeding in 1865 was the bridge over the Melville Hall River, a large and rapid stream flowing through a populous and well-cultivated district in the north-west part of the Island. The bridge was designed by the civil engineer, Mr. Blanc, and erected under his superintendence. It was constructed of wood, with a span of 64 feet between the piers, which were of solid masonry. Unfortunately, just as the bridge was completed a heavy flood took place during the absence of the engineer, and the whole bridge was completely washed away into the sea. The total cost of the bridge up to the time of its destruction was 435*l.*, of which 97*l.* was spent in 1865, and the rest in 1864. The destruction of this bridge is a great loss, as there are not at present the means of building another. In fording the river in dry weather I found the water up to the flaps of my saddle. In wet weather and in floods communication between the opposite banks is sometimes interrupted for miles up the river. The want of a bridge at this place is therefore a public inconvenience.

13. The only other works carried on in 1865 were some repairs to the gaol, executed at a cost of 40*l.*, and petty repairs at a cost of 17*l.* to various buildings.

Legislation.

14. Fifteen Acts were passed in 1865. Of these, nine related to the Revenue, two to the Post Office, and one to the appointment of Commissioners of Roads. One Act authorized a loan of 6,000*l.*; this Act has been repealed in consequence of the difficulty of raising the loan. One Act authorized the appointment of a solicitor to the Legislature, but was disallowed. The remaining Act was the Supplementary Constitution Act.

15. This Act was passed during the administration of Governor Robinson. It abolished the Legislative Assembly created by the Constitution Act passed under Lieut.-Governor Price's administration in 1863, and substituted the existing Legislature. The Assembly, created on the abolition of the old "Council and Assembly" in 1863, was composed of nineteen elected and nine nominee members, presided over by an elected Speaker. The present Assembly consists of seven elected and seven nominee members, presided over by the Lieutenant-Governor in person. It is, perhaps, too early to report positively on the change of Constitution, and having had no experience of the old Legislature it is impossible for me to contrast the two systems. But I can at least report that the present system appears to me suitable to the Colony. The measures which have been successively brought forward have been discussed with temperate fairness, and with an evident regard for the welfare of the community, while the sub-

stitution of a single Council for the three branches of Legislature which formerly existed has simplified and facilitated legislation. The Acts passed by the new Assembly belong almost entirely to the year 1866, and will be more fitly reported upon in the Blue Book for this year.

Civil Establishment.

16. The list of the Establishment is very large, comprising no less than 53 salaried offices, 39 offices paid by allowances from the Public Treasury, and 10 paid by fees from the general public.

17. Owing to financial embarrassments the salaried officers were kept during the year 1865 from seven to nine months in arrear of their salaries—a grievous inconvenience to some of them. Their arrears were paid off in April 1866.

18. The Establishment is greater than the Colony can afford to maintain. It must be reduced. Some steps in the way of retrenchment have been made, and others are now under consideration of Her Majesty's Government. As the annual deficiency since 1860 has averaged 900*l.*, the Establishment ought to be reduced by 900*l.* a year. The Retrenchment Bill (if assented to), the Coroners Act, and the Register of Voters Act, all passed in 1866, will effect a saving of about 900*l.* a year.

Population.

19. The census of 1860 gave a population of 25,060. The returns of the Registrar General show an excess of births over deaths, amounting to 1,136 in five years and a half, or at the rate of 206 a year, equivalent to an annual increase of 0·82 per cent. of the population. I find that the increase in England is (allowing for emigrants and immigrants) 1·46 per cent. per annum, or nearly double the rate here. The information I have received leads me to believe that the registration of births is defective, and my observation on a tour round the Island disposes me to think that the population is not under 30,000.

20. A remnant of the aboriginal Charib population still survive in Dominica. They are mostly settled in and round a secluded valley on the windward side of the Island, called Salibia. The number of pure Charibs in this settlement are reckoned by Abbé Poujade at 440. There are a few more to be found in the northern part of the Island, near Vielle Case. The village of Salibia is a collection of very poor huts surrounding a larger one which is used as their church. The men are expert fishermen and boatmen, almost as much at home in the water as on land. I saw no attempt at agriculture beyond a few provisions. There is one industry which is, I believe, peculiar to the Charibs of Dominica and the Indians of Demerara, the manufacture of the humattas, or Indian baskets, which are so closely woven as to be waterproof. The Charibs are quiet and inoffensive, and rarely come before the courts of justice.

21. One cannot but feel a sad interest in this remnant of an ancient and vanishing people. The Charibs here have been converted to Christianity by the Roman Catholic priests. It would be a harder task to teach them habits of settled industry, and I doubt if any good would be attained by attempting it. The duty of the Government towards them would, in my opinion, be best fulfilled by protecting them from the aggression of other settlers in the valley where they have settled, and by avoiding all unnecessary interference with them.

Miscellaneous Numerical Returns.

22. The information given under this head in the Blue Book is very defective, owing to the absence of any official returns. There is no return of Friendly Societies at all. Two exist; one in connection with the Church of England, the other under the auspices of the Roman Catholic Church. Of the former I enclose an account,* given to me by the Rev. Mr. Roper, the rector of Roseau, who is the chairman of the society. It is called the St. George's Friendly Society, and was organized in 1855. There were 96 members on the list on the 31st of December 1865. The total annual subscriptions for 1865 amounted to 56*l.* 19*s.* 5*d.*, and there was a reserve of 115*l.* in the bank. The objects of the society are to afford aid to the sick, and a decent burial to the dead. The Roman Catholic Society of St. Joseph is more of a religious society; it has 180 members in Roseau.

* Not printed.

23. The number of paupers receiving "out-door relief" is given as 43; but there are also, on an average, 84 more receiving in-door relief in the poorhouse at Morne Bruce, making a total of 127.

DOMINICA.

24. The number of emigrants from Dominica in 1865 is not given; the Colonial Secretary remarks that "very little emigration takes place." I think it right here to notice, that in 1865 there commenced an emigration of labourers to Crab Island (or Viêque), which has since attained considerable proportions; 147 labourers emigrated in 1865. A few of these have returned, but a large number have emigrated to that Island within the last two months. There is no law at present to regulate this emigration, but I am preparing a bill for the purpose. There is no desire to interfere in any way with the right of the labourer to take his labour to the best market; but it is necessary, in the interests of the emigrants themselves, to prevent the crowding of small schooners beyond the bounds of safety. It is also necessary to prevent the emigrants from deserting their wives and families and leaving them behind (as has occurred) to become a burden on public charity. Lastly, it is necessary that the emigrants leaving the Island should be known, in order to prevent young children being taken away (as is alleged to have been done) without the consent of their parents or guardians.

Ecclesiastical and Education.

25. On the provision made for the education of the people and for spiritual instruction and ministration, I had the honour to report fully in my Despatch No. 69, 25th June 1866, to which I would respectfully beg leave to refer.

Exchanges, Weights and Measures.

26. By an Act passed on the 23d of December 1775, and still in force, it is enacted, that "Standards for all Weights at Avoirdupois Weight, and Measures at the Win-"chester Measure, shall be forthwith provided at the public expense by the Treasurer, "and lodged with the respective Clerks of the Markets, and all other Weights and "Measures are to be regulated yearly by them," &c. The law might be advantageously altered to transfer the power of the Clerk of the Market to the Superintendent of Police, and the Measure of Capacity might be altered to the Imperial Standard.

Imports and Exports.

27. The value of Imports into the Colony in 1865 was 52,374*l.*, against 43,558*l.* in 1864, showing an increase of 8,816*l.*

28. The value of Exports from the Colony in 1865 was 53,181*l.*, against 48,809*l.* in 1864, showing an increase of 4,372*l.* Still, this is very far below the value exported of late years. In the four years 1860–63 the Exports were as follows:—

	£
1860 - - -	80,458
1861 - - -	100,379
1862 - - -	94,290
1863 - - -	72,726

showing an average of 86,963*l.*—more than half as much again as the Exports of 1865.

29. The export of sugar in 1865 was 5,855,912 pounds, being an increase of 1,354,087 pounds over the exports of 1864. I am glad to note an encouraging increase in export of coffee, which has risen from 20,556 pounds in 1864 to 32,276 pounds in 1865. Coffee used to be very largely exported from Dominica, but the trees were attacked with a blight which gradually destroyed nearly all the plantations. The cultivation of coffee and cocoa is peculiarly suitable to the physical configuration of this Island, where the breadth of ground available for cane cultivation is very limited. An interesting experiment is being made in the cultivation of cotton by the Honourable Dr. Imray, but it cannot yet be pronounced successful; the climate appears to be too wet for the cotton trees.

Agriculture.

30. The tables under this head in the Blue Book give no satisfactory information. A list of prices is attached to these tables. In connection with this I would note, that the prices of beef, veal, mutton, and pork are regulated by the Market Act passed in 1775, which is still in full force. Under this Act any butcher or other person selling at higher than the legal rates is liable to a penalty. The law also fixes the maximum price at which turtle, "seine fish," "hook-and-line fish," and "river fish" shall be sold. The market is at present well supplied. The price of meat, however, is higher by 2*d.* a pound in Martinique, and the restriction on the price here operates as a premium on the exportation of cattle to that Island for consumption. Accordingly we find that 322

cattle were exported to Martinique in 1864, and 188 in 1865. Should this exportation increase, it will be necessary either to abolish the "law of the maximum" or to raise the price. An assize of bread was fixed by an Act passed in 1793, amended in 1817. The fixed standard was the *price*, not the weight of the loaf. The weight of the threepenny loaf varied therefore continually from $6\frac{1}{4}$ ounces to $31\frac{1}{2}$ ounces, according to the market price of flour, on a scale fixed by the Acts. This law has fallen into desuetude, and it must always have been difficult to enforce it. Protection to the buyers of bread would be better attained by requiring all loaves to be made of specified weights, leaving the price to be decided by open competition.

Civil and Criminal Justice.

31. I enclose copies* of the lists furnished by the Chief Justice of all the sentences passed at the sessions of the Supreme Court held in 1865. There were in all 26 prisoners convicted, 22 of whom were sentenced to terms of imprisonment under 12 months each; 1 was sentenced to a year's imprisonment for an attempt to set a house on fire, 2 to three years each for arson, and 1 to four years for manslaughter.

* Not printed.

32. It appears from the report of the Chief Justice that in this last-named case the prisoner might, but for a merciful jury, have been hanged. The prisoner was sentenced "to the full term of imprisonment authorized by law." Four years' imprisonment, with hard labour, does not seem an adequate punishment for a crime which fell little, if at all, short of murder. The terms of imprisonment for manslaughter, burglary, arson, and other grave crimes, ought, in my opinion, to be more nearly assimilated to the scale of punishments contained in the latest English criminal statutes, 24 & 25 Vict., cc. 96, 97, 98, and 100.

33. I enclose returns * of all crimes and offences brought before the Stipendiary and Police Magistrates, and Justices of the Peace, showing how they were dealt with. These returns show the following results:—

* Not printed.

1. Number of persons charged with indictable offences and sent for trial to the Court of Grand Sessions (of whom 26 were tried and convicted) - - - - - - -	40	42
2. Persons charged with indictable offences, dismissed by the magistrates for want of evidence, and not sent to trial - -	38	38
3. Persons convicted summarily before the magistrates for—		
Assaults - - - - - -	114	
Petty thefts - - - - -	59	393
Indecent language or behaviour - - -	122	
Other offences - - - - -	98	
4. Persons charged before the magistrates for offences punishable summarily, and acquitted by the magistrates - - -	154	152
5. Persons charged with offences, punishable summarily, in which the charges were withdrawn, settled by consent, or dismissed by magistrates - - - - - -	749	738
Cases - - - - -		1,363

34. The number of charges brought before the magistrates is equal to five per cent. of the number of the whole population. Grave crimes are comparatively rare, and two thirds of the charges brought before the magistrates were dismissed or settled; but still more than 400 convictions took place, of which more than a fourth were for indecent behaviour, showing the prevalence among masses of the population of a low tone of morality. It may be hoped that education and religious instruction will in time lessen the number of offences, by elevating the standard of morals.

Charitable Institutions.

35. In addition to the Poorhouse and Lunatic Asylum on Morne Bruce and the Roseau Infirmary (which alone are named in the Blue Book), there is a Female Orphan Asylum, supported chiefly by the Bishop of Roseau. In this asylum 60 female orphans, from 6 to 16 years of age, are lodged, fed, clothed, and taught. Without this refuge, these young girls would now be growing up uncared for and ignorant, and open to all the vice which want and ignorance generate. For my own part I set a higher value upon this asylum than upon many schools. I do not underrate the advantages or necessity of education; but the great crying evil of the West Indian negro population—the chief and greatest hindrance to their improvement—is the general immorality of the

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young people of both sexes. I believe that this is one of the chief causes of the slow increase of the population. Children are born into the world, without a home, to be reared as best they may, utterly neglected by their fathers, and too often regarded by their mother (often a young destitute girl) only as a burden. Mere school-book learning will do little to counteract this evil. The encouragement of marriage and the enforcement of family ties will do much more. But the most effectual way of stemming the tide of immorality will be by raising up in the young female population a sense of self-respect, which will soon diminish the prevailing immorality. The Female Orphan Asylum here is the only institution which I have yet seen in the West Indies which appears to me likely to affect the existing social evil. It is a Roman Catholic institution, for this is a Roman Catholic country; but this does not impair its usefulness, which I hope will soon be proved. A handsome stone building is now being erected in Roseau for the orphans, by voluntary contributions. I laid the first stone on the 24th of May, and the walls of the building have been nearly completed.

Government House.

* Not printed.

36. In accordance with the Colonial Regulations (Article 268), I enclose a report* by the Civil Engineer on the state of the Government House of this Colony, and also an inventory of the public furniture therein, made in pursuance of Article 272 of the Colonial Regulations. A copy of this inventory is lodged in the Colonial Secretary's office.

Conclusion.

37. The preparation of the Blue Book has been unavoidably retarded by the illness of the Colonial Treasurer, the Colonial Secretary, and the Auditor General, which I had the honour to bring under your Excellency's notice in my Despatch, No. 70, dated 5th July 1866.

38. For any additional information upon the Administration of Justice, Gaols and Prisoners, the Poor Laws, and the Poorhouse, I would respectfully refer to my Despatch, No. 69, 25th June 1866.

I have, &c.

His Excellency Sir B. C. C. Pine, &c. &c. &c.

(Signed) J. R. LONGDEN,
Lieutenant-Governor.

MAURITIUS.

No. 18.

MAURITIUS.

No. 18.

COPY of a DESPATCH from Governor Sir HENRY BARKLY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(Separate.)

SIR, Mauritius, July 26, 1866.

I HAVE the honour to transmit the Blue Book of Mauritius for the year 1865, and to accompany it, in accordance with Her Majesty's Regulations, by a Report exhibiting the past and present state of the Colony and its prospects under the several heads specified.

Taxes, Duties, and Fees.

2. No change took place in these, nor is likely to do so, until the railway undertaking becomes sufficiently remunerative to allow of the additional Customs duties, imposed to meet the charges occasioned by it, undergoing revision.

Revenue and Expenditure.

3. The comparative statements show an increase of 8,663*l.* in the former, mainly due to the development of traffic on the railways.

4. The increase of Expenditure was far larger, amounting to 65,436*l.*

5. Instead, therefore, of a surplus of 35,788*l.*, as in the previous year, there was a deficit of 20,985*l.*, the comparison standing:—

	1864.	1865.
Revenue - - -	£638,067	£646,730
Expenditure - -	602,279	667,715

6. The contrast between the financial results of the two periods would be, however, much less striking if the accounts embraced only the actual transactions of each; moreover, even the apparent deficit of 20,985*l.* in 1865 was reduced to 16,900*l.* in the returns published in the Gazette, a transfer from railway working account to railway construction account having received the sanction of the Legislative Council too late to be included on 31st December 1865.

7. The various causes which led to this excess of outlay having been already fully explained to you, it is unnecessary for me to enter here into any detailed analysis of the table of actual and estimated Expenditure; but I may recapitulate, as the principal unforeseen items, the addition of 13,000*l.* to the military contribution, of 12,392*l.* for repairs to roads and bridges damaged by the inundation of February, and of 12,084*l.* under the head of immigration expenses, and of 21,035*l.* under that of civil commissariat, occasioned by the unusually large influx of immigrants arising from a famine in Bengal.

8. Notwithstanding these contingencies, however, (the last a source of eventual increase of production and wealth,) and the deduction in consequence of some 20,000*l.* from the "Accumulated Balances" of former years, the finances of the Colony are in a sound state, the Treasurer's balance at the close of the year amounting to about 125,000*l.*, whilst the statement of assets and liabilities proves this to be no mere fictitious credit,—the books of the Colony, on the whole, showing a margin in its favour of nearly 210,000*l.*

Local Revenues.

9. The financial affairs of the city of Port Louis continue, I am sorry to say, in a far from prosperous state, the municipality also having had its trials through the effects of the inundation of February.

10. The Revenue, estimated at 64,240*l.*, turned out only 43,630*l.*, whilst the Expenditure, in lieu of 56,900*l.*, was 58,750*l.* The latter was no doubt swollen by the outstanding liabilities of previous years; but, unfortunately, this has usually been the case, and as long as loans are had recourse to to meet the deficiencies of the day it seems hopeless to expect improvement.

11. The credit of the Corporation, as I anticipated last year, did not stand high enough to enable it to carry out the operation contemplated for the conversion of the whole of its liabilities into a new and uniform debt of 100,000*l.* It succeeded only in disposing of 28,000*l.* worth of nine per cent. debentures at a small premium, but this was sufficient to enable it to redeem debentures for 5,520*l.* of a former issue falling due; to reduce the amount of claims of its servants and tradesmen in arrear; and, I am delighted to add, to square its account with the Local Government by the payment of nearly 6,000*l.*

12. The municipal budget for 1866 sanctioned an expenditure of 50,700*l.*, and reckoned on the revenue exceeding this by 2,300*l.*; but it is now confessed that these calculations were much too sanguine, and a further emission of debentures has been authorized to cover pressing demands, including 11,240*l.* old debentures falling due.

13. The redeeming features in the matter are, that public attention is keenly alive to what is admitted on all hands to be a most unsatisfactory and discreditable state of things, and that the changes which took place at the last municipal elections enabled me to confer the mayoralty on a former deputy mayor, who, though not originally belonging to the movement party, is a gentleman of great ability and experience in the affairs of the town, in which he possesses considerable property.

14. I esteem it fortunate, likewise, that the pecuniary relations between the Government and the municipality have, as already stated, been restored to a sound footing, and that the quay dues, leviable on goods landed in the port, have been at length resumed by the Government in exchange for a commuted payment of 9,000*l.* per annum to the town.

Military Expenditure.

15. The augmented contribution from the Colony of 45,000*l.* figures for the first time at credit of this account, whilst the aggregate disbursements exhibit a diminution of over 10,000*l.* as compared with last year's, amounting in the gross to 126,173*l.*

Civil Establishments.

16. No change of importance occurred, except the necessary additions to the railway working staff.

Public Works.

17. No new ones of importance were in progress, except the General Post Office, which was commenced towards the end of the year. The Penitentiary gets on very slowly, less than 1,700*l.* having yet been spent out of 3,600*l.* estimated.

Railways.

18. This momentous, enterprise which has so severely taxed the resources of the Colony, is approaching completion. The payments to the contractors during the year were a little over 200,000*l.*, bringing the aggregate to close upon a million, exclusive of the cost of land and outlay for management, which together will amount to 300,000*l.* more, making a grand total of 1,300,000*l.*

19. The second or Midland line was opened for passenger traffic early in October, but although the crop was only half over no sugar could be carried, owing to the deficiencies of locomotive power for working the steep and slippery inclines; the eight engines supplied under the contract being found incapable even of drawing the requisite number of passenger trains.

20. As more than a year must elapse before this deficiency can be remedied by the importation of six additional locomotives of more powerful construction from England, the consequences of this engineering miscalculation will be very serious in a pecuniary point of view, in spite of the efforts now making by the working department to carry one or two goods waggons with each passenger train, so as to diminish the loss, as far as possible, during the present crop.

21. It is satisfactory to be able to add that the passenger traffic on this line has, from the first, exceeded the original estimate of Mr. Longridge, and that, though more expensive to work than the Northern, where the gradients are much less unfavourable, it promises to prove eventually the most remunerative line of the two.

22. The works at the central terminus have been greatly retarded by a change in the site of the passenger house and carriage shed, prompted in part by experience gained in the inundation of February, partly by the expediency of reselling some very valuable land which had been taken for the purpose, it appearing necessary to do so in order to keep the expenditure within the limits originally authorized.

23. If this can be successfully accomplished, and the traffic on the existing trunk lines so far developed as to yield a net interest of three or four per cent. on the capital invested, which I have little doubt it will do so soon as an adequate supply of rolling stock has been procured, it will probably be sound policy to commence the construction of the branches, or more properly "feeders," which formed part of the original scheme, and which may necessitate an outlay of from 200,000*l.* to 300,000*l.* more.

Public Debt.

24. This outlay should be spread over such a space of time as never to raise the indebtedness of the Colony much beyond the million sterling at which it was, on the first adoption of the railway undertaking, agreed to fix it.

25. Up to the end of 1865 debentures for 900,000*l.* had been issued, but of these about 150,000*l.* were held by the Colonial Government for the savings banks and the Commissioners of Currency, whilst a sinking fund of nearly 50,000*l.* consols had accumulated from annual investments at the rate of 18,000*l.* The remaining 100,000*l.* has since been negotiated.

Imports and Exports.

26. As in 1864, and from the same cause, the shortness of the sugar crop, the Imports of 1865 exhibit a slight falling off as compared with the year immediately preceding.

27. They stand at the same time in far more favourable relation to the Exports, which, as valued in the Custom House returns, indicate a balance of trade in favour of the Colony (discarding specie on both sides) amounting to 666,000*l.*

28. This is probably below the mark, for the "Commercial Gazette" gives the value of sugar exported in the year nearly 200,000*l.* higher than the official valuation.

29. The following table, extended from my preceding Blue Book Despatches, will serve to show that, despite indifferent crops and low prices, the general commerce of the Island is very steady:—

IMPORTS, EXCLUDING SPECIE.

1862.	1863.	1864.	1865.
£	£	£	£
1,926,255	2,238,846	2,137,107	1,962,800

EXPORTS.

£	£	£	£
2,410,325	2,661,079	2,249,740	2,629,519

SUGAR EXPORTED.

Lbs.	Lbs.	Lbs.	Lbs.
268,162,551	274,548,961	233,440,100	270,026,937

VALUE OF SUGAR EXPORTED.

£	£	£	£
2,232,249	2,494,556	2,121,385	2,626,225

30. The Imports thus average over two millions sterling, the Exports two millions and a half, and the quantity of sugar shipped above one hundred and fifteen thousand tons.

31. It must be borne in mind, however, that the export of the year does not correctly represent its crop, which is begun in July and not all shipped till far into the succeeding year, so that although the average annual shipment may be maintained, it consists of portions of the produce of two seasons.

32. For example, the crop of July 1865–66 was nearly 10,000 tons below that of July 1864–65, though the export of 1865 figures in the above table as nearly 20,000 tons larger than that of 1864.

33. The results of the year may thus be very disastrous to the planter, though the Blue Book statistics indicate the contrary, and trade may not suffer till long afterwards.

34. The destination of the sugar exported was nearly the same as in the previous year, half of it going to Great Britain, a fourth to Australia, and nearly an eighth to India,—Bombay, strange to say, being, next to Melbourne, the best market for the fine qualities of sugar, excluded by the British tariff.

35. India, as usual, furnished the largest share of Imports, though not in the same ratio as in 1864.

Shipping.

36. The amount of tonnage, both inwards and outwards, was much larger than in 1864, but nearly the same as in 1863, viz., just over 300,000 tons; considerably more than the ordinary proportion of two thirds was under the British flag.

Immigration.

37. The unusually large influx of immigrants from Bengal, and the occasion of it, have been already alluded to. From the Protector's report it will be seen that 15,800 arrived from Calcutta alone, or double the total immigration of the previous year, whilst the three Presidencies together supplied 20,283 souls. Of these, 14,910 were males and 5,373 females, the latter being in the proportion of 36 per cent.

38. Owing to the prevalence of cholera and bilious remittent fever at Calcutta and Bombay, and the debilitated state, from previous starvation, of many of those embarking, the mortality on board ship was much higher than in previous years,—a fact which, in India, it has been attempted to turn very unfairly to the discredit of the immigration system; but, in the first place, no change took place in the regulations under which the service was conducted; and in the second, the death-rate of vessels from Madras, where the general population continued healthy, remained perfectly stationary.

39. So large and sudden an increase on the immigration of preceding years not having been anticipated, and our agent at Calcutta, sooner than turn applicants away, having sent down a large number on Government account, some difficulty was experienced, in the face of the failing crop and falling market, in finding employers, especially as the large proportion of women and children in many ships raised the cost of introduction per male adult to 10*l.* or 11*l.* With patience, however, and a few unimportant concessions to the planters, Mr. Beyts succeeded in clearing the depôt fast enough to receive each batch of fresh immigrants on their arrival, or release from quarantine. As

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the bulk of the 56 ships chartered arrived during the last quarter of the year, often two or three almost simultaneously, every available lazaret had to be used, and no ordinary degree of management was requisite to make things work smoothly.

Population.

40. Swelled by the addition of 20,283 souls from abroad, against which must be set off 3,621 who returned to India, the resident population of Mauritius, calculated on the basis of the last census (1861), has now attained the cipher of 340,664.

41. There was, as usual, no natural increase, the deaths exceeding the births by 1,637, a fact which the General Sanitary Inspector considers but partially accounted for by the disproportion of the sexes.

42. It is, however, satisfactory to learn from his excellent report on the vital statistics of the year, that the birth-rate was rather higher and the death-rate a trifle lower than in 1864, a satisfaction diminished by finding that the death-rate of Port Louis was not only maintained but augmented from 43 to 48 per 1,000.

43. This was probably in some degree due to the miasma resulting from the inundation, which left deposits of detritus and filth in many quarters, but the necessity for better drainage and sewerage was thus at the same time incidentally corroborated. A commencement in sanitary reform in the rural districts was made during the year by the passing of an Ordinance to improve the hospitals and medical attendance on labourers on sugar estates, and a general measure on the subject is now before a Committee of the Legislature, but within the limits of the municipality it is almost impossible to stir without the cordial co-operation of the civic authorities; and, notwithstanding Dr. Edwards's demonstration that some 2,000 lives might have been last year saved in a town of only 80,000 inhabitants if the death-rate had but been the same as in the adjacent district of Black River, I see little sign of the Mayor and his councillors being as yet roused to active exertion.

Charitable Institutions.

44. This seems the fittest place to refer to the enclosed report from Dr. Beaugeard, the surgeon in charge of the Civil Hospital of Port Louis, which fully confirms the unsatisfactory deductions of the General Sanitary Inspector, the number of patients admitted, as well as the deaths, having been larger than in any preceding year.

45. The comparison with 1864 stands as under:—

	Admissions.	Deaths.
1864	3,254	444
1865	4,414	747

The advance was pretty equally distributed among the three classes into which the patients are divided—Europeans, Creoles, and Indians.

46. The great increase occurred in miasmatical diseases, and diseases of the digestive system. Dysentery, diarrhœa, and hepatitis were very frequent, and various forms of fever, the bilious remittent type among the Indians passing into an intermittent, attacking all classes—a complaint previously uncommon.

47. Dr. Beaugeard attributes the unusual mortality partly to the effects of the inundation, and partly to the large number of newly imported immigrants, "under-fed during the voyage," as he puts it, but suffering from the effects of under-feeding when embarked, as already explained.

48. The progress making towards the erection of a new hospital on a better plan and in a healthier situation having formed the subject of a recent Despatch, I need only here state that all that has been suggested by the medical authorities is being in the meantime done to the present buildings, and that, when I went over the wards the other day, I found that great improvements had been made since my last visit.

49. The Lunatic Asylum at Grand River continues as before. A report as to its inmates is given.

50. The Indian Orphan Asylum at Powder Mills is making satisfactory progress; the new dormitories for girls and boys are finished and occupied, and the school-house will be completed in the present year, and bids fair to prove—thanks to Captain Morrison's taste—one of the handsomest buildings in the Colony.

51. The only other Government establishments are the dispensaries for the poor at Port Louis and Mahébourg, which are extremely useful.

52. The number of private charities on the list goes on increasing. A "Protestant Benevolent Institution"—chiefly for the orphans of European soldiers and civil servants,

and for the support in old age and sickness of those who have seen better days—has been lately added so the similar admirable institutions established in most parts of the Island, under the auspices of the Roman Catholic Church, by the "Sœurs de Charité," and "Filles de Marie."

Ecclesiastical Return.

53. Some additions to the number and improvements in the position of the ministers of religion, received your sanction during the year, and were provided for on the estimates of 1866, but as they did not take effect until its commencement I shall not refer to them in detail now.

Education.

54. The number of pupils at the Royal College continued to increase, standing at 341 in the return transmitted. Six of the senior students proved themselves worthy of their position by passing the matriculation examination of the London University. Much difference of opinion, however, prevails as to the acquirements of the students generally; and from what was publicly stated by the Anglican and Roman Catholic Bishops at the last distribution of prizes, it would appear that the collegiate rank of the institution is due rather to French custom, which dignifies every school with the title of college, than to the standard of education maintained. An inquiry is now going on on this and other matters connected with the institution.

55. The Inspector of Schools gives an interesting sketch in his annual report of the rise and progress of elementary instruction in Mauritius; and though the first was later, and the second slower, than in most British possessions, the development now taking place must be deemed satisfactory under all the circumstances of the case.

56. It certainly does credit to the untiring exertions and sound judgment of Mr. Comber Browne, the present occupant of the office.

57. At both Government and Grant-in-aid schools the numbers continue to increase, as shown by the following figures from successive Blue Books:—

	1863.	1864.	1865.
On rolls of Government schools - -	2,277	2,646	3,420
„ Grant-in-aid „ - -	2,234	2,275	2,821
Total - -	4,511	4,921	6,241

58. Six new Indian schools were opened during the year, making in all 30 specially adapted for that portion of the population. At these there are 1,025 boys and 193 girls, the attendance of the latter being a new and most encouraging feature, considering the difficulties which female education encounters in India itself.

59. Mr. Browne states, indeed, that the desire on the part of immigrants for the education of their children is so great, "that were suitable appliances at hand, schools might be increased in much more rapid succession."

60. The difficulty of obtaining masters is of course great, but as well-eduated natives are beginning to offer themselves, I propose asking for an additional grant of 1,000*l.* for Indian schools next year, which, with the aid expected from planters, will suffice to educate nearly as many children, the total expenses for the 1,218 now at school being 1,391*l.*

Savings Bank.

61. The report for the year is satisfactory, the number of depositors and the amount of deposits increasing, though the accumulation which would otherwise take place is constantly retarded by the withdrawal of the savings of immigrants returning to India, who are generally the most frugal and thrifty of their class.

Gaols and Prisons.

62. Returns as to the gaols of each district are given in the usual form, and a full report on the civil prisons of Port Louis from the Chairman of the Committee of Management, Mr. Dickson, is likewise enclosed.

63. The average of prisoners, exclusive of those sent to the Vagrant Depôt, was about 1,500, of whom nearly two fifths, including all the felons, were kept at Port Louis, which may be taken, therefore, as by far the most important establishment of the whole.

64. These figures show considerable improvement on former years, and it will be seen, further, from the Port Louis report, that there was a decrease of committals as compared

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with 1864 in every class of prisoners, such decrease amounting to 10 per cent. as regarded the police court, and 22 per cent. and 16 per cent. respectively, as regarded the district Magistrate's and Supreme Courts.

65. This diminution is attributed, and probably with reason, by Mr. Dickson, to the stricter discipline of the prison generally, and more particularly to the discontinuance of the practice of out-door labour for felons, and the substitution of shot drill, as recommended by the Committee of the House of Lords, for other in-door employment.

66. The sanitary state of the prison was satisfactory, in spite of the unhealthiness of the town, and the remarks of the chief medical officer on the return of diseases in the district gaols—which will be found among the miscellaneous papers at the end of the Blue Book—show that in them also the mortality was smaller than usual. The result, indeed, confirms the fact, which Dr. Currie states as the result of personal inspection, that the medical duties in the several prison hospitals are regularly and efficiently discharged.

67. The Vagrant Depôt continues to work successfully, as will be seen from the report of the Acting Inspector-General of Police, Colonel Macdonald. The apparent decrease of committals was only 122, but in those from the Port Louis district it was upwards of 1,200, showing that vagrancy in and about the town, and I need hardly add concomitant crime, has met with a very decided check. The number of inmates is kept up by transfers from the district gaols, including almost all offenders sentenced by the stipendiary magistrates. Moral contamination is thus avoided, and far more efficient labour exacted than in the old gaol gangs.

Crime.

68. The accompanying report from Mr. Dickson, as Procureur Général, on this head, cannot be deemed satisfactory, although it discloses some encouraging features.

69. The total of cases tried before the Supreme Court was 66, as compared with 72 in 1864, and of persons 135, as compared with 196. This diminution occurred chiefly in the favourite Indian crime of gang-robbery.

70. On the other hand, though the number of crimes of violence was rather below the average, the falling off is in the classes of "manslaughter" and "wounding," the "murders" and "attempts at murder" being more numerous than in any of the preceding years, rising from 10 committed by 13 prisoners in 1864 to 14 committed by 33 in 1865.

71. This great disproportion, however, in the number of prisoners arose partly, as explained by the Procureur Général, from the conviction of 13 Indians for the murder of their master.

72. It would be erroneous indeed to assume from the return of prisoners tried that the disposition to murder was more strongly developed among this class of the population than in former years, since, as Mr. Dickson remarks further on, a large proportion of crimes of this description commonly escape detection; and although, therefore, there were 14 cases of deaths during 1865 believed to have been the result of foul play,—this would only bring the total murders up to 28, against 31, which I stated in my Blue Book Despatch of last year to have been the average of suspected cases for the previous five years.

73. This is a terrible state of things, nevertheless, in so small a community, and the desirableness of applying some more speedy remedy than can be anticipated from the equalization of the sexes, or the spread of true religion and education, becomes year after year more urgent.

74. The law was allowed to take its course in 10 instances when capital sentence was passed, four of them forming part of the band who, as already mentioned, murdered their master, it being expedient to make a severe example in such a case.

75. The Procureur Général points out that, from the peculiar superstitions of Buddhism the mode of execution adopted, viz., hanging, is not one which inspires much terror in the Hindoo mind, and suggests that if the former practice of decapitation, which was only discontinued in this Colony in 1851, were restored, capital punishment would be much more effectual in deterring from crime.

76. I have ascertained that this opinion is shared by the judges; it is also advocated by the press; and, though I am loth to depart from English customs when once introduced, I am disposed to think that there is a good deal in the suggestion, and that if the Supreme Court were invested with discretionary power to order the use of the guillotine, the crime of murder would be less rife.

77. There are many even here who believe, on the other hand, that if death punishment were altogether abolished fewer murders would be committed; but however true

this may be in civilized countries among educated people, a long and painful experience amidst semi-barbarous races has led me, I regret to say, to form a very opposite conclusion.

Legislation.

78. The very heavy calendar at every assizes necessarily occupies much of the Procureur Général's time, and considerably retards progress both in framing and in carrying through Ordinances.

79. Thirty-two were, however, passed, and several important subjects dealt with, as will be seen from Mr. Dickson's report.

80. Several of these have been alluded to in the course of this Despatch; for instance, the quay dues, estates, hospitals, &c. I would refer further to his description of the legislation which took place in regard to the savings banks, the sinking fund of the railway loan, the regulations of "job contractors," a new form of the objectionable Sirdar system, and last, but not least, the continuance in force of the law authorizing five years' engagements of Indian immigrants, the keystone of the prosperity of the Colony.

General Remarks.

81. That prosperity is, it need scarcely be said, subject, as everywhere else, to some alloy.

82. After alluding last year to the deficient yield of sugar, its reduced price, and other disappointments which had befallen the planters, I ventured to conclude with a hope that when the Blue Book of 1865 was forwarded I should be able to report a more flourishing state of things.

83. I regret that this hope is scantly realized. The crop, which at that time was estimated at 140,000 tons—affected first by the inundation of February, and then by the drought which succeeded it—turned out but little over 120,000.

84. Although a third unfavourable season in succession, combined with low prices, presented serious difficulties to the planting interest, such a reduction as the above would not of itself have sufficed to turn the scale, or produce the disastrous consequences which ensued, had it not been that its effects were intensified by the state of things in India, which affected this Colony in two very opposite ways, each tending materially to hasten the numerous failures which occurred towards the close of the year.

85. The hurricanes and inundations which happened both in the Madras and Bengal Presidencies were attended with such destruction of the grain crops that prices rose rapidly, and exportation to other countries greatly declined.

86. As the annual consumption of imported rice in this Island, not to speak of dholl, grain, &c. &c., is but little short of a million bags of 164 lbs. each, a rise of some two dollars a bag was extremely serious, and the expenses of the planters, who have to provide food for the labourers on their estates, were largely increased.

87. Simultaneously with this rise multitudes were driven by the pressure of want to emigrate from India to Mauritius, as already described, and the planters, who, from the slowness with which their requisitions for labour had of late years been complied with, had acquired the habit of applying for twice as many hands as they really wanted, found themselves unexpectedly called to defray the cost of introducing, as well as of supporting, a large number of additional people.

88. The prospective advantage of this extra supply of labour was so evident, that the earlier arrivals were hailed with acclamation; and even when ship after ship continued to pour in from Calcutta during the last quarter of the year, every effort was made by those in whose names the immigrants had been engaged to provide the necessary funds to pay for their introduction, but as this must have amounted in the aggregate to nearly a million of dollars, the strain on the resources of planters already struggling against the drawbacks previously enumerated may be conceived, and it will easily be understood that the credit of many of them did not eventually prove equal to the exertion.

89. These causes, combined with a want of confidence in the future on the part of capitalists, prompted apparently by a growing conviction that the cultivation of beet root in Europe is spreading to an extent which must prevent the price of cane sugar from ever rising for any lengthened period much above the cost of its production, even in the most favoured localities, led towards the close of 1865 to an agricultural crisis in Mauritius of greater severity than has, I believe, prevailed since that which followed in 1847 the equalization of the duties on foreign and colonial sugar. A large number of proprietors were ruined; many properties changed hands; many others were thrown into

sequestration; and it can scarcely be said that reliance on the stability of all who had weathered the storm was fully re-established, when the news of the commercial panic at home came to create fresh alarm and revive forgotten apprehensions.

90. Fortunately the season has been most favourable, and the crop now commencing cannot be calculated at less than 150,000 tons. An excellent market for about a third of this quantity is open in Australia, and if the remaining two thirds meet but the present low quotations in England and France, the results will still, on the whole, leave a fair margin of profit.

91. I confidently trust, therefore, that the danger is over, and that, as usually happens after a violent commotion of the sort, matters stand upon a sounder footing than they have done for several years.

92. Still, the ordeal through which the Colony has been passing has naturally awakened serious reflection in the public mind; and a warm discussion has arisen in the local press as to whether the present system of immigration is, or is not, that best suited to promote permanent prosperity.

93. It may not be out of place to consider what the system is, and how it has been working for all concerned.

94. Immigration to Mauritius from India is sometimes spoken of as if it had been conducted for the last thirty years on uniform principles, but it must be borne in mind, when fairly estimating its results, that it has been subjected to constant changes, and that, distrusted at its commencement by the Imperial and opposed by the Indian Government, it has been alternately permitted, prohibited, regulated, restricted, but never encouraged.

95. Without stopping to enumerate the 20 to 30 Ordinances, and nearly as many Acts of the Governor General in Council, passed for these purposes, together with the Orders in Council, and Proclamations, which preceded or followed them, it may be convenient to review the subject briefly under five principal phases.

96. From 1834 to 1842 it was left to private enterprise to introduce immigrants upon more or less practicable conditions. Thus, when, after a temporary suspension in the issue of permits of introduction, the Indian Government had in 1837 authorized five years' contracts of service where a return passage was guaranteed, the Royal Order in Council of September 1838, limiting all engagements to one year, and requiring these to be made within the Colony, came forth, and, until modified by another in 1842, barred the way effectually, even without the Indian Act in the succeeding year, declaring all emigration unlawful.

97. During the second period, from 1843 to 1851, immigration was under stricter Government surveillance, agents and protectors being appointed in India and Mauritius; but the law still left the service entirely in the hands of private parties, though, in consideration of an extra duty imposed on rum, the cost of introduction, and the whole of the back passage, was defrayed from the Public Treasury. Without this inducement, indeed the risk could not have been undertaken, as contracts, though in 1849 extended to three years, were still null if made out of the Colony.

98. From 1851 the Local Government undertook to introduce a certain number of immigrants annually, and to allot them to applicants in certain proportions under triennial engagements, and this plan was acted on with various amendments and alterations, including a suspension by the Indian Government in 1856, until the end of the third period in 1857; but the former system of private introduction was allowed to remain in force, and the working of the two simultaneously, aggravated the evils arising from the keenness with which the planters competed for the services of immigrants, as explained in the Despatches of Sir William Stevenson at the time.

99. This competition, indeed, excited so much discord, and led to such disgraceful scenes at the immigration depôt from the self-constituted agency of Sirdars, who were little better than crimps, that, on the urgent representations of that able Governor, immigrants were at length allowed to be engaged in India under contracts of service for three years, subject to an understanding that on the termination of such contracts they were to re-engage with the same employer, or to enter into a fresh contract for two years with some other master, unless they preferred redeeming the remaining portion of their five years' industrial residence by a payment of 1*l.* 12*s.* per annum to the Colonial Treasury.

100. A short experience of the operation of this measure proved it to be a step in the right direction, but, as apprehended at the time by Sir William Stevenson, it still left the immigrant exposed to the unsettling and deceptive influence of the crimp, at the break which occurred after the first three years of his industrial residence; and it was not until the close of what may be called the fourth period, in 1862, that the abuses

referred to were effectually checked by the authority at length given by Her Majesty's Government to pass engagements in India of five years' duration.

101. Until recently the system established on this basis has given very general satisfaction; but it is now contended in some quarters, that although preferred by wealthy planters it is less advantageous to those who possess no great capital, or work on a small scale, than the former plan, under which immigrants arrived free from special engagement; and, furthermore, that it is really injurious to the interests of the whole body, inasmuch as it prevents wages from regulating themselves from time to time by the price of produce as they would otherwise do.

102. It cannot be denied that this want of elasticity is a disadvantage to the planters in bad times such as they have latterly experienced, though it is modified to a certain degree, particularly in the case of small cultivators, by the large number of old immigrants who have served their time, and who, though disposed, as a matter of course, to demand higher pay than inexperienced hands, have nevertheless no alternative but to accept the current rate or return to India.

103. Still it may be admitted that under the old system of annual engagements, wages did fluctuate far more rapidly than under the new, the crisis of 1847–8, for example, having brought down their money rate fully a third, whereas that of 1865 has produced no sensible effect, except a temporary fall in the price of old immigrant labour, about equivalent to the increased value of the rice given as rations.

104. But these disadvantages would prove, as they actually have done, exactly the reverse in a rising instead of a falling sugar market, and they are in any event far more than counterbalanced by the certainty which the capitalist who advances his money, and the planter who expends it, are enabled to feel that they will have labour for the maintenance of their estates and the manufacture of their produce, whether their neighbours are extending cultivation or offering higher terms than would suit the calculations which form the basis of the speculation.

105. There can be no doubt, therefore, that the system of five years' engagements in India is better for the planter than any of those which preceded it, though it may perhaps be susceptible of improvement, by the introduction into future engagements of a provision for the regulation of the rate of wages every six months, by proclamation of the Governor, according to the same scale as that advertised for new immigrants—a minimum, of course, being fixed, below which they should never under any circumstances fall.

106. Some precaution of this sort appears to me requisite, to guard against the disastrous effects of a great and permanent decline in the value of sugar; but as it would be equally applicable in the event of a rise, and would thus destroy the feeling of certainty to which I have alluded, I am not sure that it would be welcome to the planters, whilst the Government of India would not improbably refuse its assent.

107. Other remedies against the fixity of wages must therefore be sought, and happily they are not distant.

108. In the first place, the planters, being for the moment adequately supplied with labour, are in a position to make a stand for a lower rate of wages on fresh engagements in India, and may avoid re-engagements with old immigrants here except on reduced terms. Their requisitions, too, for immigrants may very well be kept down for some time to come, the employment of jobbing gangs in many instances dispensed with, and greater economy of labour generally exercised than has of late years been the practice.

109. Secondly, the cost of introducing immigrants from all the presidencies has recently augmented, and ought, as far as practicable, to be reduced. It averaged last year close upon 10*l.* per male adult, and in some vessels exceeded 12*l.* or even 13*l.* So far as this arises from the larger proportion of women embarked in some ships than others, it would, I think, be equitable that the Colony should be made to defray more than the moiety of the expense which it now contributes, for though female immigration is highly conducive to morality, and benefits the public in many ways, it constitutes no addition to the labourers of an estate, yet greatly swells the planters' outlay, especially as the number of children on board is sure to be proportionately large. The charges in India for recruiting, &c. also seem to me to admit of reduction, though I am not aware how far it could be carried without violating the requirements of the new law.

110. Thirdly, total dependence on supplies of food from abroad has proved a hazardous and expensive policy.

111. It would, moreover, be better farming to plant maize, manioc, &c. &c., in rotation with the sugar cane, or even between the cane rows, as is done in Barbadoes, than to exhaust the soil by the perpetual repetition of the same crop.

112. Repeated warnings on this point had failed to overcome the desire for immediate gain, but recent experience seems to have produced a reaction, the question having been

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taken up by the Chamber of Agriculture, and a considerable breadth of land planted with farinaceous food.

113. With the improvements thus indicated, I see no reason why sugar production should not continue profitable—despite low prices—in this highly favoured Isle, where the average yield per acre exceeds that of the virgin alluvial lands of Guiana and Trinidad, or even of Cuba.

114. Cases of individual failure must of necessity occur, where the pecuniary position of planters is so various, and so many undertake the cultivation of their estates with borrowed capital; the ordinary practice being for only a small portion of the price to be paid down, and the remainder to be left on mortgage.

115. In favourable seasons all goes well, but if crops fail, and the sugar market is unremunerative, the purchaser becomes incapable of supporting the enormous charges to which he is subject; the mortgage is foreclosed, and the estate once more passes into other hands. But these changes in the nominal proprietorship can hardly be said to affect the general prosperity, so long as the mortgagees are satisfied, and the cultivation duly kept up, and I have already shown that they are consistent with a steady increase in the trade of the Colony.

116. As regards the immigrants themselves, there can be no question that the present system answers the expectations that were formed of it, and works in all respects satisfactorily.

117. They know the exact terms of their engagement before leaving India; they are exposed to no deception on their arrival here; they are at once supplied with all that is requisite for their health and comfort on the estate for which they were engaged, and by the time their contract expires they have become acclimatized, have generally saved a considerable sum of money, learnt the Creole dialect, and acquired a certain amount of knowledge of the laws and institutions of the country.

118. As old immigrants, they enjoy perfect liberty either to work on any estate they please, at the best wages they can get, or to purchase land for garden cultivation, or open shops, as many of them prefer doing. Upwards of sixty thousand, however, as will be seen from the Protector's report, re-engaged themselves during last year for periods varying from three months to five years, of whom, as nearly as possible, one half entered into written contracts of service with their original employers.

119. Since the conclusion of last crop, immigration in its social bearings has had to stand a severe test, owing to the agricultural distress and high price of food already alluded to. Some proprietors could neither pay what was due to the labourers whose contracts happened to expire, nor afford to re-engage them on any terms. Others succumbed to their difficulties, leaving their properties under sequestration, and their labourers to recover their wages in course of law; but in no case, I am happy to say, was the slightest ill-feeling exhibited the immigrants on the whole behaving admirably, sometimes accepting lower wages, at others begging permission merely to remain on the estate and occupy their houses though unemployed. It is within my knowledge that, in a district not very distant from my residence, more than 1,200 men thus quietly awaited the commencement of the new crop, and the return of better times.

120. Such details, whilst showing the excellent understanding which exists between immigrants and planters, give perhaps no very flattering picture of the prosperity of the former; but it is only necessary to look at the Indian villages springing up in every direction, at the women bedecked with jewels, and the men in smart attire, or to consult the report of the savings banks, to be sure that, as a class, they are contented and thriving.

121. It remains to inquire what have been the effects of immigration upon the fortunes of the emancipated slaves and their descendants, a subject on which the gloomiest apprehensions were entertained by the friends and well-wishers of the African race.

122. These slaves numbered upwards of 63,000 at the commencement of the apprenticeship, in addition to the free Blacks and Euro-Africans who constituted the great bulk of the general population, consisting of about 30,000 more. By the close of the apprenticeship in 1838 they were reduced to 53,000, without apparently any corresponding augmentation in the other classes.

123. From whatever cause—whether the greater severity of slavery, as pretended by some, the more uncivilized state of the slaves, as asserted by others, or the feeble endeavours made by the planters to retain their services, owing to the proximity of India, with its countless millions, as is perhaps not improbable—there can be no doubt of the fact, that the ex-apprentices withdrew from cane cultivation more suddenly and entirely in Mauritius than in any of the West Indian Colonies.

124. The most authentic record of their position after the first few years of freedom, is to be found in Sir William Gomm's reply of 7th January 1846 to a circular of inquiry from the Colonial Office.

125. The account given in that Despatch and its enclosures, as remarked by Mr. Secretary Gladstone, was far from being satisfactory; the whole of the field labourers had left the estates to reside on patches of ground in the mountains, where they raised just enough vegetables for their own subsistence; some few still worked occasionally during crop time, and a certain number of the old headmen, as tradesmen, carters, &c., pursued, irregularly, their former avocations, but neither tradesmen nor domestic servants were generally to be found, and as there were then no Indians of the former class, and but few of the latter, this inconvenience was loudly complained of.

126. With the exception of the Mico schools, the parliamentary grant for which was on the eve of being withdrawn, and a few others chiefly in Port Louis, no provision had been made for education, nor had any efforts been made (with one solitary exception) for the religious instruction of the ex-apprentices.

127. The picture drawn of their moral and intellectual condition was, as might be expected from this, of the darkest, Sir William Gomm pronouncing them, even in physical organization, inferior to the negroes of Jamaica (from which Colony he had lately come), and ascribing to "the universal headlong rush into intemperance," as well as to the destructive progress of smallpox and other epidemics, a reduction of their numbers to below 40,000!

128. Had the agricultural and commercial prosperity of the Island not, in the meantime, been maintained and expanded by the introduction of Indian immigrants, and the colonial revenue in consequence improved in a corresponding degree, as will be more particularly shown hereafter, nothing could have been done to arrest these fearful evils, and the ex-apprentices and their descendants, decimated again and again by disease, must have rapidly sunk into hopeless barbarism.

129. With four fifths of its sugar plantations abandoned, and the remaining fifth doing so badly as to enable the owners to offer but low and irregularly paid wages, it is difficult in Jamaica to raise the taxation necessary for supporting the machinery of Government and preserving civilization, and that magnificent Island seems likely to become a helpless incumbrance to the mother country, instead of, like Mauritius, one of the most flourishing Colonies of the British Crown.

130. What has been accomplished in the latter during the last 20 years through the aid of superabundant financial resources is indeed surprising.

131. Liberal support has been accorded for the building of churches and chapels, and for the stipends of ministers of all religious denominations; Government schools, or schools receiving grants-in-aid, almost universally established; quarantine and internal sanitary regulations adopted, which have diminished the chance of epidemics, and rendered vaccination so general as to make smallpox no longer formidable; an admirable police force organized; trained lawyers holding bi-weekly civil and criminal courts in every one of the eight districts of the Island, besides stipendiary magistrates in each to watch over the relations of masters and servants,—these are but a few of the blessings which have been thus secured.

132. It has been urged, however, that though the emancipated negroes might, in common with the rest of the community, derive advantage from the increase of material prosperity due to immigration, that advantage would be dearly purchased at the expense of the moral contamination certain to follow the introduction of large masses of vicious and degraded heathens!

133. I may observe in passing, that as far as religious instruction and education are concerned the Creoles of Mauritius, especially those of African or Euro-African descent, have not simply participated in, but up to a very recent period derived the exclusive benefit of the funds expended. Three years ago there was not such a thing as an Indian school, and it is only within the last few months that the first contribution (1,000*l.*) has been made by the State in aid of the missionary operations carried on in the different languages of India.

134. It is but justice to the Creole population to add that they have not altogether neglected the opportunities of instruction afforded. Many of those of mixed race belonging to the labouring classes, and not a few even of the children of former slaves, have profited thereby to qualify themselves for employment as overseers, clerks, tradesmen, artizans, and mechanics, and contrive to hold their own notwithstanding the competition of those of Indian birth.

135. At one time it was apprehended that there would be a scarcity of good workmen as soon as the old hands trained during slavery died off, but no symptoms of the sort

are now manifest, the supply, on the contrary, having proved equal to the large additional demand created by the construction and working of the railways; nor do the younger Creoles prove inferior, for though there is a certain impatience of control, and an indisposition to serve a regular apprenticeship, among them, their aptitude and skill is very remarkable, and has been much commended by the European foremen sent out for the railway workshops.

136. This is no doubt the brightest side of the picture. Immigration, though it has done much, has not worked miracles, and it would be unfair to conceal that a large proportion of the ex-apprentices have never been tempted by high wages or the ambition of raising their children in the social scale to abandon the life of indolent ease to which they betook themselves and their families after emancipation.

137. The good prices and numerous markets for their vegetables opened in every direction probably induces them to cultivate their provision grounds better than they would otherwise have done, and they are thus useful to a certain extent, though adding little, in proportion to their numbers, to the exportable produce and wealth of the Colony.

138. But granting this, they certainly manifest no peculiar tendency, either of an original or imitative character, to crime, but live, on the whole, peaceably and inoffensively.

139. Crimes of violence are confined almost solely to Indians; and even larcenies and petty thefts are more common among that class of the population than with Creoles. As our criminal statistics do not distinguish nationality, it is not easy to give figures in proof of what is, nevertheless, universally admitted, but I may mention that only one conviction of a Creole for murder has taken place during the three years of my Government, and that crime was committed during a drunken revel at Christmas; while as to general offences it will be seen, on reference to the return on Prisons, that out of 5,144 committals last year to Port Louis Gaol, only 964, or less than a fifth, were Creoles, though they formed at the last census more than half the population of the town, and nearly a third of that of the Island.

140. Finally, in order to exhibit at a glance the progressive effects of immigration on the fortunes of Mauritius, I enclose, in a tabular form, a return, compiled from previous Blue Books, of the Revenue, Export of Sugar, General and Indian Population, in each of the years from 1833 to 1865 inclusive.

141. The introduction of immigrants does not of course tell on production for some two years afterwards, and allowance must be made for bad crops, seasons of commercial discouragement, and changes of fiscal policy, in judging of the revenue or exports of any particular year; but viewed in connection with the Memorandum which accompanies it, wherein the several phases of the immigration question, already referred to, are described in full detail, the figures will be found to establish the relation of cause and effect in a most remarkable manner.

142. The influx of labour for some years barely sufficed to counterbalance the withdrawal of the ex-apprentices; and the Indian population having fallen below 20,000 at the end of the first 10 years, the minimum exportation of 26,500 tons of sugar, or about 6,000 tons less than under slavery, was reached in 1843. A net addition of nearly 30,000 immigrants in the course of that year, however, brought the export of 1845 up to 42,000 tons, and a moderate flow continuing, that of 1846 rose to 59,000 tons, an average fully maintained during the next five years.

143. In the seven years 1852–58, the Indian males in the Colony increased from seventy to one hundred and twenty thousand, and the exports, in like manner, from 69,000 to 118,000 tons, averaging over 100,000.

144. Contracts in India being at length sanctioned, the male immigrant population rose to 167,000 in the succeeding septennial period 1859–65, the export of sugar averaging 127,000 tons, and attaining a maximum of 137,000.

145. As regards the revenue, commencing at 160,000*l.* the year before emancipation, it reached 262,000*l.* by 1842, 321,000*l.* by 1851, 553,000*l.* in 1858, and 605,000*l.* in 1865; fluctuating, of course, during intermediate years, but on the whole gradually and steadily advancing.

146. Immigration, it will thus be seen, has nearly quadrupled the revenue as well as the population of this Colony; more than quadrupled its productions, and in consequence its commerce. And though there is room to doubt whether, owing to the heavy outlay it has entailed on the planters, and the great concomitant decline in the value of sugar, it has altogether fulfilled the anticipations of its enterprising promoters, it has during the process raised to comparative affluence hundreds of thousands of labourers, who in their native land could never have earned above a precarious subsistence, and has further

incidentally saved the emancipated negroes from retrograding into barbarism, and afforded to their descendants a fair prospect of raising themselves in the scale of civilized life, in the midst of an industrious and well-ordered society.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) HENRY BARKLY.

Enclosure 1 in No. 18.

Encl. 1 in No. 18.

SEVENTH ANNUAL REPORT of the PROTECTOR of IMMIGRANTS.*

SIR, Immigration Office, 12th February 1866.

I HAVE the honour to request that the following annual report on the various matters which concern my department be laid before his Excellency the Governor.

2. The number of immigrants introduced last year amounted to 20,283 (14,910 males and 5,373 females). Immigration of 1865.

3. The numbers imported during the three previous years were as follows:— Immigration of three previous years.

	Males.	Females.	Total.
1862	7,440	2,453	9,883
1863	3,667	1,587	5,254
1864	5,649	1,926	7,575

4. More than three fourths of last year's immigrants came from Calcutta. The contribution of each of our agencies was as follows:— Work of each of our Indian agencies.

	Males.	Females.	Total.
Calcutta	11,936	3,954	15,890
Madras	2,225	1,213	3,438
Bombay	749	206	955

5. The activity displayed by our agent at Calcutta in carrying out the demands addressed to him deserves special notice. No less than 43 emigrant ships were despatched by him in the first 10 months of the year, and before the month of November he had entirely exhausted his list of requisitions. A deficient harvest in some of the rice-producing provinces of Bengal no doubt facilitated his operations to some extent, yet the celerity with which the business of his agency was carried on, and the care which was bestowed upon it, manifestly showed that the interests of this Colony were confided to trustworthy hands. Efficient working of our Calcutta agency.

6. 2,735 immigrants were still due from Madras at the end of the year, and 1,118 from Bombay. Immigrants remaining due from Madras and Bombay.

7. At the latter port our agency was closed in October last by order of the Local Government, so that inquiries should be made into the causes of the mortality which attended emigration in 1864.

I do not see how the elucidation of those causes can be forwarded by hindering our agency from proceeding with its work. It seems to me that it would have been more consistent, and more conducive to the object in view, to let emigration continue, watching its progress more closely, and subjecting it to such new rules as would be likely to guard it against excessive mortality. Stoppage of emigration from Bombay.

8. The proportion of females introduced in 1865 was higher than in 1864, though not so high as in 1863:—

1863	43·2 per cent.
1864	34·0 „
1865	36·0 „

Proportion of females in immigration.

9. The number of marriages recognized by arriving immigrants, and confirmed under Ordinance 3 of 1856, during each of the last five years was as follows:— Marriages confirmed.

	Marriages.	Proportion of Marriages to No. of Females introduced.
1861	1,700	45 per cent.
1862	1,208	49 „
1863	1,047	65 „
1864	922	47 „
1865	2,108	39 „

10. The marriages solemnized in the Colony between Indians since 1861 have been as follows:— Marriages solemnized in the Colony.

1861	247
1862	173
1863	176
1864	231
1865	213

11. The following numbers of men arrived with two wives each since 1863:— Men who arrived with two or more wives each.

	1863.	1864.	1865.
From Calcutta	5	20	15
„ Madras	4	0	3
„ Bombay	2	3	0

One man arrived last year from Calcutta with three wives, two of whom were sisters.

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* The Appendices to this Report are not printed.

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Bounties to females.

12. The new mode of paying bounties to females which I suggested in my last annual report (paragraphs 19 and 20) has been adopted at Bombay. Our agents at Calcutta and Madras should, I think, be directed to follow the same system.

Immigrants who had emigrated before.

13. 710 of the immigrants of last year had been in Mauritius before; 34 had gone to Reunion, 9 to the West Indies, and 190 either to the tea districts of India or to Ceylon.

Mortality at sea.

14. The average mortality at sea on board of the 56 immigrant ships which arrived last year amounted to 3·11 per cent., whereas the average ratio of the previous year was no more than 1·4 per cent., and that of 1863 only ·7.

Average rate.

Rates compared.

15. The death-rate of each of the three emigration ports has been as follows since 1861:—

	1861.	1862.	1863.	1864.	1865.
Calcutta - - -	2·2	2·6	2·9	·8	3·3
Madras - - -	·8	·8	·2	·2	·2
Bombay - - -	·6	·3	·4	4·7	8·2

16. The increase of mortality in 1865 in immigration from Calcutta and Bombay is in all probability chiefly ascribable to the less healthy state of those two ports in 1865 than during the previous years.

17. The effects of this cause were perhaps aggravated in immigration from Bombay by the imperfect system which was in practice there with regard to medical examinations: intending emigrants who entered the depôt were not examined on admittance, nor were they kept under constant medical supervision; they were only inspected immediately before embarkation, which was obviously insufficient. The permanent services of a medical inspector have since been engaged by our Bombay agent, in pursuance of his Excellency's orders. I have scarcely any doubt that this step will tend to reduce mortality in emigrant ships from Bombay.

Loss of the "Sandringham."

Inquiry and result.

18. One of the ships of last year, the "Sandringham," was driven ashore on Flat Island, and 19 of her passengers were drowned. The causes of the wreck and circumstances connected with them were fully inquired into by the Marine Board, whose report showed that the captain had given proof of great incapacity and want of energy, and that he had besides culpably doserted his post. His certificate was therefore suspended for 12 months.

Inquiry into mortality on board of the "Schah Jehan."

19. Another special inquiry was necessitated in the course of the year. The unusually large number of deaths which had occurred on board of the ship "Schah Jehan" (65) led his Excellency the Governor to appoint a committee to inquire into the causes of such heavy mortality.

The committee could trace it to no ill-treatment, nor to any misperformance of duty; but they represented that cholera broke out in the vessel almost as soon as she left the Sandheads, and that the vessel had been four days in the Hooghly, a circumstance to which it seemed to them that the cholera was very probably attributable.

The necessity of abridging the stay of emigrant ships in the Hooghly after their departure from Calcutta has long since been recognized; and it is specially provided in the Indian Emigration Act that *every such ship shall proceed to sea at once under tow of a competent steamer.*

It would appear that in this case there was no steamer, or that the steamer employed was not a competent one. The Indian Government should, I think, further investigate the case, so as to ascertain what the causes of the delay of the vessel were.

Treatment at sea.

20. The general treatment of the immigrants during the voyage from India was unobjectionable. Very few complaints were made by them on their arrival. In three cases only the charges were proved. The parties charged in the two first cases were the surgeon and assistant surgeon of the ship "Fathe Salam;" they were found guilty of having assaulted several Coolies, and were both fined. The other case was that of the surgeon of the ship "Canning," who was accused of not having issued sufficient quantities of provisions during the voyage. As he had kept no account whatever of the issues, and the evidence of the passengers was unanimous in supporting the charge, a fine of 10*l.* was inflicted upon him.

Punishments awarded against officers of immigrant ships.

21. These, as well as all the other punishments awarded in the course of the year against surgeons and other officers of immigrant ships, for misperforming or neglecting their duties, are explained in Appendix G.

New medical service.

22. I think it rightly assumable that fewer instances necessitating such punishments will occur when the new medical service which is now being organized for our immigration will be in full activity.

23. Of the four surgeons who have been appointed by the Secretary of State, at his Excellency's request, for permanent employment in our immigrant ships, two have proceeded to Calcutta, and the other two to Madras. When the stream of our immigration, which is now temporarily checked by exceptional circumstances, will have resumed its course, a large medical staff will doubtless be necessary, but for the present the number of surgeons appointed will be sufficient to allow the new system to be initiated.

24. The plan of selecting well-qualified medical officers and keeping them in permanent employment, holding out to them all the advantages and privileges to which officers of the civil service are entitled, will no doubt lead to a more efficient medical supervision on board of immigrant ships than has been obtained by the rule hitherto followed of taking up medical men at hazard, offering them no certainty of continuous employment, nor any promise of re-employment whatever, and no claim to any remuneration beyond a mere capitation fee during their time of service.

Quarantine.

25. Of the 56 immigrant ships which arrived last year 17 had to be placed in quarantine—11 on account of cholera, and the others on account of other diseases. No quarantine whatever was necessitated on account of small-pox, which shows that the rules regarding the vaccination of emigrants were carefully carried out in our Indian depôts, and that the measures adopted to protect the Colony from the introduction of small-pox are well devised.

State of health of immigrants on arrival.

26. The Depôt Medical Officer's report (placed amongst the appendices which I forward herewith) will show the state of health in which the immigrants of last year generally were when they arrived. The number removed to hospital immediately after arrival amounted to 594; 220 of them were labouring under chronic dysentery and diarrhœa, 80 under fever, 55 under general debility, 15 under

eye affections, 12 were afflicted with œdema, 10 with syphilis, 7 with rheumatism, 4 with cardiac disease, and the others with other affections.

27. As to the condition in which the generality of the immigrants arrived, the Depôt Medical Officer reports as follows:—

"I was perfectly satisfied with the cleanly and healthy aspect of the generality of those who reached "the depôt after their landing at Port Louis, whether they had undergone quarantine or not. With "few exceptions they were fit to proceed at once to their respective districts."

Disposal of the immigrants of 1865.

28. Appendix F. shows how the immigrants of last year were disposed of, giving the number apportioned to each district of the Colony. This statement represents that 83 immigrants paid for their passages on their arrival, and freed themselves from their engagements; that 13 children who had lost their parents at sea were sent to the Orphan Asylum; and that 262 women and children were allowed to leave the gangs with which they had arrived, and to go and join their friends and families.

Difficulty experienced in disposing of them at the end of the year.

29. 498 men remained undistributed at the end of the year. They, as well as those who arrived since, have all left the depôt. Some difficulty, however, was experienced at first in finding employers for them; the very large immigration of the year, added to the discharge from the railway works of a great number of labourers who had not gone through their five years' service,* had reduced the demand for labour; and the deficiency of the crop on the generality of the sugar estates led many planters to postpone the engagement of new immigrants.

Requisitions for introduction of immigrants.

30. Requisitions have therefore fallen off very much. But, if sugar production has to be kept up in the Colony, the planters cannot avoid importing fresh labour every year; the deaths, departures, and withdrawals from agriculture must be made up for by the importation of immigrants from abroad; otherwise the labouring population will necessarily decrease, and probably prove both too dear and insufficient.

Cost of introduction.

31. The average cost of introduction charged on employers was as follows:—

	£	s.	d.
From Calcutta	9	18	11½
„ Madras	9	16	9
„ Bombay	9	6	8¼

Government share of immigration expenses.

32. The expenses paid by Government on account of immigration were as folllows:—

	£	s.	d.
1. Half-passage of females	11,702	3	7
2. Bounties to females	2,234	0	0
3. „ invalids	199	0	0
4. Quarantine { Establishment	2,611	17	7
4. Quarantine { Services exclusive of establishment	25,115	10	2
†5. Return passages paid in India	7,249	4	10½
†6. Agencies { Calcutta	8,584	19	9
†6. Agencies { Madras	3,192	15	9
†6. Agencies { Bombay	775	10	10
Total	61,665	2	6½

Departures.

33. The departures of 1865 show a slight increase over those of the two previous years:—

	Males.	Females.	Total.
1863	2,553	667	3,220
1864	2,692	721	3,413
1865	2,854	767	3,621

Cost of return passage.

34. 733 immigrants were entitled to be sent back at the expense of Government; the others (2,888) had to pay for their passages. The cost of the return passage averaged 3*l.* 8*s.* during the first half-year, and 3*l.* 9*s.* from July to December.

Invalids.

35. The invalids sent back to India at their request and at the cost of Government amounted to the following numbers since 1863:—

1863	244
1864	152
1865	221

The infirmities and diseases of those of last year, and other particulars regarding them, will be found in statement (*c*) annexed to the Depôt Medical Officer's report.

They were, as usual, provided with clothing, and allowed to receive a sum of ten rupees each before being embarked.

Total immigrant population.

36. The total immigrant population has increased from 230,791 in December 1864 to 245,700 in December 1865.

Proportion of females in ditto.

37. The proportion of females in the immigrant population at the end of the year was 46·8 per cent.

Births in ditto.

38. Births in the immigrant population have increased as follows:—

Born in	Males.	Females.	Total.
1861	2,967	2,949	5,196
1862	3,000	2,963	5,963
1863	3,090	3,052	6,142
1864	3,246	3,144	6,390
1865	3,411	3,344	6,750

* 2,604 new immigrants and 1,298 old immigrants were discharged by the railway contractors in 1865.

† Under these heads the expenditure of the last quarter has not been included, no accounts of it having yet been received from India.

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Deaths in immigrant population.

39. The mortality which has occurred in the immigrant population since 1861 is as follows:—

Died in	Males.	Females.	Total.
1861	4,181	1,456	5,637
1862	7,023	2,180	9,203
1863	6,602	1,946	8,558
1864	6,466	2,281	8,747
1865	6,150	2,358	8,508

It is satisfactory to find that, notwithstanding a large increase of population, the annual number of deaths has declined since 1862. The death-rates of the last five years stand thus:—

	Ratio of Deaths.
1861	2·5 per cent.
1862	4·0 „
1863	3·7 „
1864	3·7 „
1865	3·4 „

Engagements.

40. 88,201 immigrants engaged themselves during the year for various periods of service:—

511 for 3 months or less.
7,952 „ 6 months.
52,508 „ 1 year.
3,976 „ 18 months.
8,879 „ 2 years.
1,937 „ 4 years.
13,438 „ 5 years.

These figures show that the annual engagements formed 59 per cent. of the total number.

The contracts for five years were chiefly those of the new immigrants imported during the year.

41. 49,952 engagements were passed with new masters; 38,249 were renewals of contracts under same masters. In 1864 the renewals with same masters amounted to 41,631, and the engagements with new masters to 40,193.

Classes of labourers engaged.

42. The labourers who were engaged in 1865 belonged to the following classes:—

Indian immigrants	New	22,445
	Old	64,133
Other immigrants		188
Natives of Mauritius		1,435

Re-engagements of old immigrants.

43. The fact that so many old immigrants (72 per cent. of the total number engaged) voluntarily re-entered into contracts of service, instead of leaving the Colony as they were free to do, proves, beyond any doubt, that they held the prospects of further service in the Colony to be preferable to those offered to them by employment in India.

Natives of Mauritius engaged as labourers.

44. It is satisfactory to find that the number of engagements passed with natives of Mauritius has been steadily increasing since 1862. The increases have been as follows:—

	No. of Creoles engaged.
1862	540
1863	655
1864	1,146
1865	1,435

Rates of wages.

45. The average rates of wages at the end of 1865 will be found in Appendix L.

Offences committed by immigrants.

46. The offences proved to have been committed by Indian immigrants during the last two years stand thus:—

	1864.	1865.
1. Refusing to work	592	490
2. Unlawful absences	5,531	3,992
3. Desertions	6,040	4,599
4. Maliciously injuring employer's property	6	94
5. Insubordination, assault, &c.	71	40
6. Using false papers	485	303
7. Other offences	396	394

47. This comparative statement is highly satisfactory; it proves unquestionably that the general conduct of the immigrant population is improving. Every offence noted in the list, except No. 4, shows a reduction in the number of convictions. In absenteeism and desertion the decreases are specially worthy of notice. I have no hesitation in believing that they are greatly attributable to the salutary effects of the discipline of the Vagrant Depôt established in 1864.

48. The attempts at fraudulent personations through the use of false papers are also decreasing; this is no doubt due to the system which is now being carried out of having photographic portraits affixed to tickets. This measure also has a great influence, I believe, in checking desertions.

Complaints against masters.

49. The complaints proved against employers of immigrants during the last two years are shown to be as follows:—

	1864.	1865.
1. Nonpayment of wages	3,743	4,093
2. Non-delivery or imperfect delivery of rations	787	69
3. Refusal of medical care	30	13
4. Non-delivery of tickets and discharges	414	458
5. Assault and battery	205	197
6. Other charges	21	207

The increase of cases of nonpayment of wages is due, no doubt, to the partial failure of the last crop.

General condition of immigrants.

50. The fact that fewer complaints of the classes distinguished by Nos. 2, 3, and 5 were made to the stipendiary magistrates, added to the limited number of departures which I have already pointed out, and strengthened as it is by the information I have gathered from my personal inspections and inquiries, leads me to the belief that, notwithstanding the increase of cases of nonpayment of wages, the general welfare of the immigrants of the Colony is not retrograding.

Deposits in Savings Bank.

51. Their deposits in the Savings Bank at the end of 1864 amounted to 29,728*l*. The accounts of the bank for last year not having been cast up yet, I am unable to state to what extent that amount has increased.

Transmission of money to India.

52. With the view of facilitating the transmission of their savings to India, the rules given in Appendix S. have just been adopted, with his Excellency's approval. As the remittances will be subject to no charge whatever, and liable to no risk, it may be hoped that the measure* will be largely taken advantage of by immigrants who have money to remit.

Indian schools.

53. To provide more fully for the moral and intellectual wants of immigrants, six new schools were opened by Government in the course of the year, which brings the present number of Indian schools up to 30. They are attended by no less than 1,200 children.

Orphan Asylum.

54. The Government Orphan Asylum contained the following pupils at the end of the year:—

	Males.	Females.	Total.
Indian immigrants	77	40	117
Liberated Africans	34	8	42
Europeans	2	—	2
Natives of Mauritius { of Indian origin	45	27	72
Natives of Mauritius { of African „	9	1	10
	167	76	243

Deaths and admissions of pupils.

The deaths and admissions of the year were as follows:—

	Boys.	Girls.	Total.
Died	8	8	16
Admitted	42	26	68

Pupils discharged.

55. Twenty-five pupils were discharged from the institution in October last. The boys were distributed thus:—

3 as teachers of English.
6 „ masons.
4 „ carpenters.
3 „ blacksmiths.
3 as tinsmiths.
2 „ basket makers.
1 „ domestic servant.
3 „ gardeners.

The girls were married to Indian artisans and others who were known to the superintendent of the establishment as men of good character.

Progress of the asylum.

56. The progress of this institution, in respect of the tuition in its school, has sustained itself satisfactorily. In its industrial department the want of competent teachers is very much felt; those who have hitherto been employed are incapable of imparting anything like a scientific knowledge of their trades. The necessity of enlisting a better class of master tradesmen has not escaped the attention of the directors; but the difficulty of procuring others has hitherto been insuperable.

Reformatories.

57. A reformatory has been opened at Grand River, N.W., in the neighbourhood of the Vagrant Depôt, for juvenile offenders. Another one is being established in Pamplemousses. I have no doubt that these institutions will prove of great utility.

Liberated Africans.

58. Two batches of liberated Africans, consisting of 77 males and 47 females, were imported from the Seychelles in the course of the year. They arrived in excellent health, which circumstance is doubtless attributable to their stay at the Seychelles.

Twenty of them (13 boys and 7 girls) who were under nine years of age were sent to the Orphan Asylum. The others, after having been registered and provided with clothing and other requisites, were given out to employers as domestic servants. They were engaged on the same terms as arriving immigrants.

It was found easy to communicate with them, through the boys sent to the asylum in 1861, who are now sufficiently conversant with English to interpret with facility. The expenses entailed on Government by these newly-imported Africans were wholly covered by the fees charged on their employers.

Reconstruction of depôt.

59. The reconstruction of the depôt is now nearly terminated. The accommodation appropriated to arriving immigrants has been very much improved. The remarkably healthy state of the depôt throughout the year, notwithstanding its having frequently been crowded in consequence of simultaneous arrivals of large numbers of immigrants, proves that the dwellings they were provided with were suitable, as well as that their well-being was attended to in other respects.

Management of depôt.

60. In the management of the depôt I have been zealously assisted by the chief clerk. His duties were very much increased by my having had to absent myself for long intervals for the purpose of inspecting the sugar estates.

Of the general demeanour of the other officers of my department I have also to report favourably.

New legislation.

61. The following new laws bearing directly on immigration or immigrants, and on the introduction of liberated slaves, were enacted in 1865:—

1. Ordinance No. 5. To enable the Chief Clerk in the Immigration Department to act in the absence of the Protector.
2. Ordinance No. 7. To secure the Rights of new Immigrants under Contracts of Service with Job Contractors, and to extend the Jurisdiction of Stipendiary Magistrates to Claims for Wages founded on Guarantee.

* This measure was suggested by Mr. Marsh.

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3. Ordinance No. 18. To amend the Law regarding Contracts of Service with liberated Slaves landing in Mauritius or Seychelles.
4. Ordinance No. 28. To prolong the operation of Ordinance No. 16 of 1862.
5. Ordinance No. 29. To amend the Law as to Hospitals and Medical Attendance for Persons under Contracts of Service.

Law relative to job contractors.

62. The law relating to job contractors provides special guarantees for the new immigrants engaged by them, but leaves the old immigrants without such protection. The consequence will doubtless be that many old immigrants will be defrauded out of their wages.

It is hoped by those who are advocates of this system that the evil will bring about its own remedy, by opening the eyes of old immigrants to the risks to which they expose themselves by engaging themselves to job contractors. That may be; but, meanwhile, the unrestricted facility with which job contractors are allowed to engage labourers who are not new immigrants may inflict considerable injury both on those labourers and on planters.

Labourers employed by job contractors.

63. The number of labourers employed by job contractors at the end of each of the last two years was as follows:—

	New.	Old.	Total.
1864 - -	—	6,364	6,364
1865 - - -	740	5,693	6,433*

Medical attendance on sugar estates.

64. The Ordinance regulating medical attendance on sugar estates will, I think, be productive of great good. It may possibly require some emendations and additions to work out its proposed result; but, even in its present form, I have no doubt that it will improve the position of the immigrants as regards medical care.

Inspection of estates by stipendiary magistrates.

65. The reports of the stipendiary magistrates on their visits of inspection already show the effects of the new system: hospitals have been erected or are being built where there were none; others that were unsuitable have been repaired and refurnished; and surgeons have been engaged to attend regularly on estates where their presence was, if not quite unknown, at least so rare as to be of very little practical utility.

Their half-yearly reports.

66. The stipendiary magistrates' last half-yearly reports have not all reached me yet. As soon as I shall have received those that are still due I shall submit my remarks upon them, and refer to my own inspection of the sugar estates.

Special Commissioners' labours.

67. In reviewing the requirements of my department at the close of my last annual report, I took the liberty of pointing out that the position and management of our agencies at Madras and Bombay required, in my opinion, to be examined into, with the view of placing them on a more efficient footing. The careful inquiries which have been made by the Special Commissioner who is now in India will, I have no noubt, enable his Excellency to judge of the best means of accomplishing the desired result.

Sub-agencies in connection with Madras.

68. One of the measures suggested by me for that purpose was the establishment of two efficient sub-agencies in connection with our agency at Madras. The extensive importation of immigrants last year seems to allow a postponement of that step;† but it is my belief that fresh demands for immigrants will ere long arise, and it appears to me that to be enabled to meet them easily it would be well not to wait till they do come forward, but to strengthen our agency establishments beforehand, and hold them in readiness to operate with efficiency.

Direct emigration from the sub-agencies.

69. I further recommend that the Indian Government be moved to allow direct emigration from the ports at which the sub-agencies will be established. This would prove more beneficial to the emigrants themselves and less burdensome to their employers than the present system. The ships engaged may be surveyed and prepared at Madras, and sent on to the sub-agents after having been inspected and approved by the Protector of Emigrants.

French Colonies more favoured than the British by the new Indian emigration law.

70. One of the purposes for which the new Indian Emigration Act was passed was stated by the Indian Government to be, "to remove the discrepancies which existed between the system of emigration "to the French Colonies and the system under which emigration took place to the dependencies of "the British Empire and certain other localities." (*Vide* Statement of objects and reasons published in Calcutta Government Gazette of 30th September 1863.)

In some respects the systems have been rendered uniform; first, with regard to the months during which emigrant ships may sail for the West Indies; secondly, as regards the space required on board for emigrants; thirdly, as respect the rules governing recruiters, and those which relate to medical inspections.

But on two essential points greater advantages have been conceded to the French Colonies than to the Dependencies of the British Empire. In the first place, while the British Colonies can only export their emigrants from Bombay, Madras, and Calcutta, the French are allowed to export theirs not only from these three ports but from all their own ports besides‡; next, while the French agents are allowed to be paid by fees, the British Emigration agents are hindered from receiving any remuneration but fixed salaries. (*Vide* section 12 of Act 13 of 1864.)

As these remaining discrepancies are very important, I submit that it would be greatly to the interest of this Colony to move the Government of India for their removal. An amending Act should, I think, be applied for, still further assimilating the two systems, and providing, for that purpose, first, that the agents of the British Colonies may be paid in the same manner as the agents of the French, *i.e.*, by fees, if it suit their respective Governments so to remunerate them; secondly, that emigration to the British Colonies may take place from any port of British India where any Colonial Government may appoint

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* There are some estates from which I have received no returns yet of the number of labourers employed by job contractors upon them.

† Notwithstanding the large immigration of last year, there still remain requisitions for 2,700 immigrants from Madras.

‡ Pondichery, Carrical, Mahé, &c.

an agent, provided that there be at such port a collector, magistrate, or other officer of the Indian Government who may be able to perform the duties of a protector.

Mauritius poor law.

71. In concluding my last annual report I further took the liberty of representing that a better system of administering relief to the poor seemed to me to be wanted in the Colony. I deem it my duty to revert to this subject. My official duties place me in a position in which I cannot avoid meeting with frequently occurring proofs of the imperfection of the present poor law. A whole week seldom passes without my receiving a complaint either as to the insufficiency of the relief given by a poor relief committee, or as to its totally denying the assistance claimed by a pauper.

The immigration depôt is the receptacle and refuge of all such paupers, the generality of whom, after a short stay there, resign themselves to the alternative of leaving the Colony, with the hope of finding more effectual succour in the charity of their countrymen in India.

A poor law which drives immigrants to this extreme measure is evidently bad enough to require a fundamental change.

72. I beg to submit herewith the statistical returns usually appended to my annual reports.* * Not printed.

I have, &c.

To the Hon. F. Bedingfeld, Esq.,
Colonial Secretary,
&c. &c. &c.

(Signed) H. N. D. BEYTS,
Protector of Immigrants.

Enclosure 2 in No. 18.

Encl. 2 in No. 18.

GENERAL SANITARY INSPECTOR'S REPORT FOR 1865.

Population.

The population of Mauritius on the 31st of December 1865 may be estimated at 340,835, being an increase of 15,024 on that of the previous year, as it was given in my last annual report.

The natural increase of a population arises from an excess of births over deaths; but in Mauritius there has been, for many years past, an excess of deaths. The progressive increase of the Mauritius population is therefore to be attributed to immigration only. The number of immigrants introduced in 1865 was unusually large, viz., 20,283.

In 1861 the number of persons to a square mile was 437, in 1865 it was 480, which gives just one acre and a third to each individual.

Excess of deaths over births.

The excess of deaths over births cannot be satisfactorily accounted for on the assumption that *all* the births are not registered; for, if the estimated population is to be relied upon, the number of births registered in the books of the civil status gives a remarkably high rate. It is only partially accounted for by the disproportion of the sexes in one class of the community; for we find that whilst the total population of the island has increased 10 per cent. since 1860, from which period there has been a steady and progressive increase in the female element, the births have only increased 14 per cent., whilst the deaths have increased 30 per cent.

Birth-rate. Death-rate.

The total birth-rate was rather higher in 1865 than in the previous year, the death-rate a trifle lower. Those rates were, respectively, 3·25 and 3·79 in 1864, and 3·26 and 3·74 in 1865. The high death-rate of Port Louis, however, was not only maintained, but augmented, from 43 to 48 per 1,000.

In Black River excess of births.

The deaths exceeded the births in every district but one; and the exception was, as in former years, Black River. Port Louisa, as might be expected, presented the highest birth-rate, Pamplemousses, without any accountable reason, the lowest. The death-rate of Port Louis was also the highest, and that of Black River the lowest. The districts which showed the greatest excess of deaths over births were Port Louis and Plaines Wilhems, and the death-rate of the latter was the highest of all the rural districts, as it was in 1864. Moka manifested the greatest improvement, the number of deaths in that district having been 137 less than it was in 1864.

If the death-rate of the whole Island had not exceeded that of Black River, there would have been a saving of 4,049 lives. Excluding Port Louis from the calculation, the saving would have been 2,215. A certain portion of the registered mortality may, therefore, be regarded as unnatural and excessive, and is represented by the figures given above.

The estimated population of each district, upon which the above calculations are based, can only be regarded as approximative; but judging from the general uniformity of the birth-rate, it cannot be far wrong.

The Table of sickness and mortality was compiled from monthly returns furnished by the several Local Boards of Health (rural), and in the case of Port Louis from the books of the Civil Status Office. It will be found not to correspond exactly with the official returns made by the officer of that department, whose figures, as probably more correct, have therefore been taken in calculating the *total* birth and death rates. The discrepancies are unimportant, except in the case of Port Louis, where a difference of 49 in the number of deaths will be observed. That difference arises from an elimination from the total mortality of a certain number of deaths which, although registered in 1865, occurred in previous years. Allowing for those deductions, the true death-rate of Port Louis would be 4·78.

Proportion of deaths from fever;

It will be seen that upwards of 40 per cent. of the total mortality of the Island resulted from fever,—fever which, in the opinion of most medical men, is a preventible disease. The highest proportion of deaths from fever to total mortality, in any district, occurred at Grand Port, viz. 63 per cent.; the lowest at Black River, viz., 31 per cent. This is exclusive of Port Louis, where the proportion was 28 per cent., which is lower than it was in 1864, but still very high, when the character of the population is considered. In Port Louis, also, it should be remembered that medical treatment is more general than in the country; the nature of disease is more accurately defined; and probably, medical certificates of the cause of death are occasionally given by private practitioners, but, not being required by law, they are withheld in the great majority of cases. With few exceptions,

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therefore, it is only from the hospitals and other public institutions that reliable certificates of the cause of death are received at the Registration Office.

from diarrhœa and dysentery, and diseases of respiratory organs.

Deaths from diarrhœa and dysentery formed 12 per cent., and diseases of the respiratory organs 13 per cent. of the total mortality.

Fever prevailed very generally throughout the year, but proved most fatal in the first six months. The greatest monthly mortality from that cause occurred in April, and the lowest in November. Deaths from intestinal affections were most numerous in October; and from diseases of the respiratory organs in August. The greatest mortality from fever, relatively to population, occurred at Grand Port; next came Plaines Wilhems, Flacq, Moka, Port Louis, Pamplemousses, Rivière du Rempart, Savanne, and Black River, in the order given. The greatest mortality from diarrhœa and dysentery occurred at Savanne, and then in the following order—Moka, Port Louis, Rivière du Rempart, Flacq, Plaines Wilhems, Pamplemousses, Grand Port, and Black River.

Meteorology.

An abstract of meteorological observations taken during the year will be found in the Appendix.* It presents nothing remarkable in relation to the public health, except that fever will be found to have predominated in the hot months, diseases of the respiratory organs in the cold, and that diarrhœa and dysentery proved most fatal in the dryest months, when the rivers are of course lowest, and the water least pure. The ozone observations were only taken in the last six months of the year, and only at one place, and that, from its situation, an objectionable one; so that no deductions of any value can be drawn from the results.

The barometer stood highest on the 30th June (30·400 inches) and lowest on the 12th February, the date of the inundation, viz. 29·511, the extreme range for the year being 0·889 inches. The highest temperature was 90°·0, on the 4th February, and the lowest 67°·6, on the 10th July, which gives for the year a range of 22°·4. The total rainfall for the year at the Observatory (in one of the dryest parts of the Colony) was 44·737 inches; and the greatest fall in 24 hours was 7·460 inches, on the 12th February.

WATERS OF MAURITIUS.

During the past year Professor Guthrie has made a careful analysis of most of the river waters of Mauritius, and has established the fact of their general softness and purity. "We find" (writes "Dr. Guthrie) "that the waters of Mauritius are eminently soft. The proportion of mineral con-"stituents is remarkably small. The quantity of organic matter is great compared with that of the "mineral matter, but absolutely it is also inconsiderable in most cases; almost all the waters are, "in short, very pure.

Rivers of the South purer than those of the North.

"It is striking how considerably and constantly purer the rivers in the southern part of the Island "are than towards the North. It is possible that this is owing to the greater number of rivers in the "South, and possibly, also, to the fact, that the northern rivers, as a rule, pass through a more highly "cultivated country than is traversed by the southern rivers."

In my last annual report I described the condition of many of the rivers during the dry season, and represented how unfit such water must be for drinking purposes, and how prejudicial to the health of those who use it; yet many Indian camps on estates are still dependent for their supply on such rivers alone. Wells have been sunk on many properties, and an ample supply of pure water obtained, to the great advantage of the Indians as regards their health and comfort. Whenever the supply of water is irregular or deficient, or of bad quality, proprietors should be encouraged to sink wells when practicable, and when not so to construct filters.

Water supply, Port Louis.

As regards the water supply to Port Louis, it is abundant, but most irregular in its distribution, as I have had occasion to observe before. I have said that not only every part of the town but every *house* in the town should have its supply, and yet, according to a return furnished by the mayor of the number of persons who have acquired the privilege of a "prise d'eau," I find that probably not more than 1,500 or 1,600 out of perhaps 8,000 houses are so supplied. The great bulk of the inhabitants of the town are dependent on the public fountains, of which there are only 75 instead of 100, as was intended. Water is the first necessary of life, and it is the duty of Local Boards of Health to place it within easy reach of all.

* Not printed.

Municipal Canal.

Dr. Guthrie's analysis of the water supplied to the town will be found in the Appendix.* It establishes, first, that the water of the Municipal Canal (constructed of iron) is the purest; it is, in fact, purer when it reaches and has circulated through the town than at its source, having parted with a portion of its organic matter and mineral residue, and acquired a mere trace only of iron, in addition.

The Dayot Canal.

The water of the Dayot Canal (constructed in masonry) is less pure when it reaches the town than at its source; it is harder, it contains a larger proportion of organic and mineral ingredients, and, what is of more consequence, the proportion of those ingredients steadily increases as the water passes through the canal, until, at Cassis, the quantity of each is doubled. "This" (Dr. Guthrie remarks) "is clearly "to be attributed to the free ingress, by percolation, of the drainage of the streets; the organic matter "being derived from sewage, and the carbonate of lime from the mortar of the masonry with which the "canal is built."

He goes on to say, "This point is the more worthy of notice since the introduction of gas into the "Colony. However well gas pipes may be laid, a large per-centage of gas inevitably escapes into the "earth; the joints of the pipes are started by the passage of heavy vehicles, especially when they "are laid so remarkably near the surface as in the case in point. The gas which thus escapes and "saturates the earth must infallibly find its way into a canal which is built of masonry, and although "there may be nothing actually poisonous in coal gas, yet it will certainly impart its repulsive taste "to the water."

The Bathurst Canal.

The water of the Bathurst Canal (also built of masonry) is the least pure of the three; it contains far more organic matter, which, as Dr. Guthrie observes, may account for its "presumed unwholesomeness."

"Reposing with little motion in the rich alluvial and highly cultivated district of Pamplemousses, "the abundant vegetable matter which the water carries down is very imperfectly oxidized. If I am "rightly informed, vegetable matter in large quantity, in water, has precisely the injurious action on "the bowels (with whatever justice may be) to the water of this canal. No mechanical filtration can "remove the dissolved vegetable impurities from such a water; but it is removed by filtration through "charcoal, and rendered innocuous by boiling."

Dr. Guthrie compares this water with that supplied to London in 1854 from the Thames, by five public companies. Those several waters contained respectively of organic matter, per gallon, 1·39, 1·92, 2·08, 3·56, 5·41 grs.; and he comes to the conclusion, that the quantity of organic matter in the Bathurst Canal, 3·55, is "not outrageously large." It may, however, be observed, that it was the known impurity of those waters which gave rise to the inquiry, and that the worst were condemned by the Commission. The above facts clearly indicate the superiority of iron canals over those of masonry, and also that much of the advantage of a filtre at the mouth of the Bathurst Canal (which has been proposed) would be lost, from the subsequent deterioration of the water in its passage through the canal.

Let us hope that in course of time the Municipal Canal may be extended to every part of the town. The water of the Dayot and Bathurst Canals might then be used for flushing the sewers—*when they are made.* Of the 75 public fountains in the town 36 are supplied by the Municipal Canal, 26 by the Dayot, and 13 by the Bathurst Canal. The number of grantees of shares of water is 1,522; viz., from the Municipal Canal, 520; Dayot, 295; Bathurst, 707. The number of streets and localities supplied by these several canals is 83; viz., Municipal Canal, 28; Dayot, 20; Bathurst, 29. Six streets are supplied conjointly by the Municipal and Bathurst, or Municipal and Dayot Canals. The number of streets unsupplied is 50.

Public fountains.

Number of prises d'eau.

Number of streets supplied.

An analysis of the Pouce stream, above the railway diversion, was also made; with reference to which Dr. Guthrie remarks:—"The great quantity of organic matter in this water needs no comment. "The appreciable quantities of nitric and phosphoric acids, and the large quantity of alkalis, point "unmistakeably to sewage as the main cause of the impurity. Whatever may be the merits of the "question of the diversion of the Pouce stream, in an engineering point of view, only one result can "follow from the accumulation of an exposed mass of foul and stagnant water in one of the most "densely peopled parts of the town." "On both sides of the Midland Railway, as it leaves the town" (writes Dr. Guthrie), "is a series of pestiferous puddles. An analysis of the water of one of these can "give but a faint idea of their offensiveness to sight and smell, and, I presume, of their injuriousness "to health. This water is evidently neither more nor less than sewage."

Pouce stream.

A series of experiments was also made to determine how far the water of the several canals exercised a corrosive action on lead, soft water having generally that property. The results, however, were negative, except in the case of the Bathurst Canal, and Dr. Guthrie concludes by recommending that *lead* service-pipes should not be used for that water.

Action of the water on lead.

Poisons.

It is well known that the Indians are addicted to the use of poisons. Suspected cases of poisoning are of frequent occurrence. During the last two years there have been upwards of 50 such cases. Poison was detected by the Government analyst in 19 specimens—consisting either of portions of food, or of the contents of the alimentary canal, removed after death—submitted to him for examination; 11 of the specimens contained stramonium, 4 opium, the others, oxide and sulphate of zinc, and sulphuric acid. Stramonium appears, therefore, to be the favourite poison. The seeds of this plant, ground into powder, and mixed with food, is the mode usually adopted for its administration. The symptoms produced by the poison during life are sufficiently well marked to be easily recognized, but the post-mortem appearances are such as might arise from other causes; and unfortunately there is no known chemical test by which the presence of this particular poison can be detected with certainty. The microscope is, however, likely to become a valuable agent in the investigation, and has already, in Mr. Fleurot's hands, proved successful. It is supposed that many deaths from poisoning occur amongst the Indian population, which are registered as deaths from fever, and give rise to no inquiry. This assumed fact suggests two important questions; first, whether medical certificates of the cause of death should not be required by law; and secondly, whether measures should not be taken for the destruction of the plant stramonium, which is found growing in every part of the Island, and especially in the neighbourhood of Indian camps. As regards the first question, I have already, in previous reports, when dwelling on the excessive number of still-births, and the large infant mortality, pointed out the expediency of requiring medical certificates; and the experience of another year convinces me that such a measure would be most useful in checking the evil now under consideration. The second question was carefully considered by the General Board of Health, who decided not to recommend any legislative interference. Other poisonous plants, well known to the Indians (the Belladonna, for instance), grow abundantly in the Island, and it would be a harsh law to compel proprietors to eradicate *all* from their estates, and one indeed that it would be impossible to enforce. They might, however, be advised and encouraged to check the growth of the stramonium, as far as practicable, in the vicinity of their camps. But it is believed that poisonous drugs are commonly sold in the bazaars and Indian shops,—an evil of far greater magnitude. It is one with which the law professes to deal, but it is to be feared that much laxity prevails in this respect, and the attention of Local Boards should be given to the subject.

Stramonium.

Expediency of requiring medical certificates.

Poisonous plants.

Poisonous drugs.

Districts.

Port Louis.

The number of births registered in the district of Port Louis in 1865 was 3,107, of which 1,621 were male and 1,486 female. 2,019 of those births were among the general and ex-apprentice

Births.

MAURITIUS.

population, and 1,088 among the Indian. Compared with 1864, there was an increase of 129 births.

The birth-rate was 3·87, or rather more than one birth to 25 persons living. The mean birth-rate in England is 3·318, or one to 30.

Deaths.

The number of deaths registered in the same district was 3,888, of which 2,384 were male and 1,504 female. 2,152 were among the general and ex-apprentice population, and 1,736 among the Indian. There was an increase of 494 in the number of deaths as compared with 1864.

The death-rate was 4·84, and the excess of deaths over births was 781.

Causes of death.

Fever.

1,105 (equal to 28 per cent.) of the total deaths were caused by fever. The mortality from that cause was greater in the Indian than in the general population: of the former, 627 died; of the latter, 478. Of the total number, 489 were children under five years of age, and 307 were persons in the prime of life, viz., those between the ages of 25 and 45 years, and of the latter class 239 were males. 633 persons, of whom the majority belonged to the general population, died from pulmonary diseases; and again by far the larger proportion were from the two classes above mentioned, viz., infants, and

Dysentery and diarrhœa.

those between the ages of 25 and 45 years. Dysentery and diarrhœa were more fatal than in the previous year, and also selected the great majority of their victims from the same two classes. Deaths from apoplexy were numerous, as usual; of the 79 deaths from that cause, only 15 occurred amongst the Indian population.

Tetanus.

Deaths from tetanus were nearly twice as numerous as in 1864. There were

Measles.

75 deaths from measles, 66 of which were among the general population. In 1864 there was only one death from measles. 44 women died in childbed, of whom two were under 15 years of age. The number

Still-births.

of still-births was 306, and the majority occurred among the general population.

Suicide.

Suicides were six in number, the same as in the previous year. Violent and accidental deaths were 70, against 59 in 1864; the number of deaths from drowning during the inundation of February being sufficient to account for

Leprosy.

the increase. 19 deaths from leprosy were registered, viz., Indian population 11, general population 8; of the former, all the deaths were of males; of the latter, the proportion of the sexes was equal. Families have so great an interest in concealing any leprous taint, that the probability is that the above figures do not represent the total mortality from that cause; but assuming that they do, and estimating the population of Port Louis as about a quarter of that of the whole Island, 76 deaths from leprosy in the year would represent a fearful amount of disease. Some years ago, a committee was appointed to inquire into the nature, cause, progress, and best mode of treatment of leprosy, in Mauritius, but, owing to circumstances, no report, I am informed, was ever made. The question is a

Venereal disease.

most important one, and might be revived with advantage. No deaths from venereal disease are recorded, but there is reason to believe that it prevails to a frightful extent in the town. No disease tends more to undermine the health and impair the constitution, and thus it may indirectly be the cause of many deaths. Some of the medical practitioners are of opinion that the time has arrived for placing an unfortunate class of women under surveillance, as is done in France, and lately in some garrison towns in England.

Infant mortality.

Adult mortality.

The total infant mortality (children under five years of age) in 1864 was 1,252; in 1865 it amounted to 1,559. The deaths of persons between 25 and 45 years of age in 1864 were 1,070; in 1865 they were 1,120. The deaths among these two classes formed nearly 70 per cent. of the total mortality.

Fever became very general in the town after the inundation of February, especially amongst children, but can hardly be said to have assumed an epidemic character; the great quantity of filth stirred up by the flood, and which found its way into the ground-floors and cellars of houses, and the vast accumulations of mud in various localities, which, until they could be removed, lay exposed to the sun, were quite sufficient to account for the spread of fever. The ultimate effect of the flood was, however, doubtless beneficial.

Sanitary works.

It will be seen that the total expenditure of the Local Board of Port Louis was 4,794*l.* 10*s.* 10¼*d.*, of which sum 1,309*l.* 6*s.* 0*d.* was expended on what are described as sanitary works, which consisted of opening and repairing gutters, cleaning rivulets and sewers, macadamizing certain streets, and, after the inundation of February, removing accumulations of mud from various localities. No permanent works of any consequence were executed. The Pouce and Tonnier streams were widened and deepened, but were not materially improved thereby, having soon relapsed to their former condition. Little indeed was done for the permanent improvement of the town. The various sanitary evils pointed out in my last report, for the most part, still exist. Early in the year that report was referred by the Local Board to a committee, which, I believe, never met. The local inspectors, judging from their returns, appear to have been active in the discharge of their duties, although the number of cases

Overcrowded and badly ventilated dwellings closed.

brought before the district magistrate, and the amount of fines inflicted, were small in comparison with the number of contraventions of the law established, and of nuisances recorded. It is satisfactory to find that something, however little, was done towards remedying the evils of overcrowding and defective ventilation of houses. 52 dwelling-rooms were closed as unfit for habitation, and six parties were

Prosecutions.

prosecuted for overcrowding.

Damaged provisions.

The quantity of damaged and unwholesome provisions seized and condemned was extraordinary. No less than 6,456 bags of rice and 759 bags of wheat are enumerated amongst the various articles condemned.

It appears to have been the custom formerly to throw into the sea all damaged grain, immediately after its condemnation, but of late a middle course has been adopted. Certain portions have been stored, and afterwards disposed of, but to whom, or for whose benefit, or for what purpose, does not appear. This has given rise to some discussion, and different opinions have been expressed as to the propriety of this measure. If food intended for human consumption is found, on inspection, to be so damaged as to be unfit for its purpose, the sooner it is destroyed the better. It would not be safe to run the risk of its getting into the hands of unscrupulous persons, who might dispose of it to those whom poverty might induce to use it as food for themselves instead of for their pigs.

Mad dogs.

The number of straying animals destroyed by the Local Board of Health and the police in the last year was 1,437, which included 142 *mad* dogs. This is a startling fact, if fact it be. Possibly, canine

madness would be less common if the premium offered for the destruction of *mad* dogs was not twenty times as great as for that of ordinary animals found straying.

Most of the nuisances reported were those which naturally result from a defective system of drainage, and must be expected to recur until a better system is adopted. This subject was treated at length in my last report, and it is only necessary for me to repeat that it is one of the most vital importance to the health of the town.

RURAL DISTRICTS.

The information conveyed by the monthly reports of the Local Inspectors varied considerably in amount, but showed great uniformity in the nature of the sanitary evils represented. A few notes and extracts from those reports will suffice to show this. Inspectors' reports.

Pamplemousses.

The camps of several estates which suffered much from fever during the year are represented as being "damp and in close proximity to water." Writing on this subject, the President of this Local Board remarks, that "although dampness, caused by frequent rains, and a bad quality of water, which "is rendered impure by earthy and other matters carried into the streams by the rains, have doubtless "a pernicious influence upon the health of the labourers on the Rosalie estate, the mortality that has "occurred there during the last five months, as far as I can judge, is to be accounted for by the fact "of the estate having received several gangs of new immigrants, many of whom, as I am informed, "had fever, diarrhœa, and dysentery on their arrival. I am informed that the mortality from these "diseases was almost exclusively among the new immigrants."

The localities in which the greatest mortality occurred appear to have been "Long Mountain and neighbourhood," the "Nicolière," "Maison Blanche," "Solitude," "L'Amitié," and "Rosalie" estates.

This district has been divided into four sections, and an inspector appointed to each; but all do not appear to have performed their duties to the satisfaction of the Board. An inspector has been appointed specially for the market, which is an excellent measure, as unwholesome provisions had been frequently exposed for sale.

A public fountain seems to be much needed for the village of Pamplemousses, and the Local Board are applying for permission to take their supply of water for that purpose from the gardens.

Rivière du Rempart.

The local inspector, reporting a heavy mortality on "Forbach" estate, says:—"This camp being "made with stone, and covered with tin, it is impossible to employ the usual sanitary measures, viz., "unroofing and burning the roof, as when composed of straw," and recommends the abandonment of the camp as the only means of checking the epidemic. On this and several other estates mentioned, the inspector states that "there are dungheaps in close proximity and to windward of the camps." He also states that "all the animals which die on these estates are buried in the dungheaps, and, more-"over, these dungheaps are continually irrigated, and always very damp, which is the principal cause "of the danger; for this dampness, warmed by the sun, produces noxious emanations, which spread "through the camps." He also states that pigs and goats are allowed in the camps, and that it is impossible to keep them out of the huts of the labourers.

Frequent mention is made in the inspector's reports of the pollution of streams by the residues from sugar-houses, and of the nuisances occasioned thereby; and, on the motion of the Government Medical Officer, the Local Board resolved that stringent measures should be taken to repress the evil.

Flacq.

The inspector of this district furnished no report during the year, but a certain amount of information is conveyed in the minutes of the Local Board.

Great difficulty is still experienced in obtaining land for cemeteries, which appear to be much needed.

The want of public slaughter-houses is mentioned, and some intention expressed of supplying it.

The evils arising from the pollution of rivers and canals by residues from the sugar mills are dwelt upon, and various remedial measures suggested, the Board apparently being impressed with a conviction that the public health suffers from that cause.

Grand Port.

The nature of the sanitary evils in this district are partly those of a town and partly those of the country; the reports do not convey an idea of any great amount of contravention, when it is considered that a considerable population resides in Mahebourg and its suburbs.

The nuisances reported are,—dirty camps and dwellings; dirty privies and pigsties; nuisances from dungheaps; animals kept in human dwellings; the sale of bad provisions, &c. Some gutters were in a filthy state, and a few houses were declared unfit for habitation.

One of the inspectors stated in May that the sanitary condition of the town of Mahebourg was pretty good; but that in the rural quarters, and among Indian camps, a less satisfactory state of things existed. He attributes some blame to the law itself, in reference to the absence of any provision for summary proceeding on the part of the sanitary inspectors:—"Were those officers," he says, empowered to act with more authority, or more expeditiously, "in cases of contravention of the law, the "condition of the district would soon become very fair."

Savanne.

This district appears to have been in a very satisfactory state of sanitary discipline during the year, when compared with certain others.

The rivers have been reported "clean," and "in an excellent state," all through the year. The only case of pollution by mill-water occurred in December; the name of the estate is not given.

The Indian camps also were reported to be clean, few cases being mentioned to the contrary. In December, however, the inspector states that "the Indian camps on sugar plantations were not found "in a satisfactory state of cleanliness: 22 contraventions were established, and brought home against "the parties." He does not furnish any explanation of so sudden an alteration for the worse in the camps, after a whole year's favourable report. In September, however, he calls attention to the nuisances arising from the absence of privies, and says that "it is impossible for a sanitary inspector to "have the camps of estates kept clean, so long as the Indian immigrants perform the wants of nature "in the immediate vicinity of their respective huts. In the event of fever or cholera breaking out, the "stench caused by the excrements of a large camp would cause the disease to spread. I would, there-"fore, most respectfully submit that it be rendered compulsory on the planters to have several large "privies in their camps; the same to be constantly purified by lime."

Notwithstanding the alleged general salubrity of the district, the following diseases existed at various periods during the year: viz., fever, dysentery, diarrhœa, cholerine, chicken-pox, and malignant sore throat. It will be seen that the heaviest mortality from dysentery and diarrhœa, relatively to population, occurred in this district.

An epizootic disease broke out on the "Long Champ" estate in May; 13 mules died there, and four on a neighbouring estate, but the disease did not spread further.

The inspector calls attention to the fact, that among the Indians it was almost invariably new immigrants who were attacked with fever; and that the mortality from that cause was greatly increased by intemperance in eating and drinking on the part of convalescents.

Black River.

The reports from this district convey only negative information as to its sanitary condition. But for the occasional mention of Bombay fever during the first months of the year, one would draw the most favourable inferences. Towards the latter part of the year, however, there seems to have been a change for the worse, as the inspector states, in July, that "the sanitary state of the district is not in "so good condition as during the last three months. No remarks during the month, unless several "cases of Bombay fever and measles." In August he reports the "sanitary condition of the district "in general in not so good condition as during the last six months;—many cases of Bombay fever and "measles." In September, the sanitary condition was "better"; in October, "in good condition"; "no remarks, or any prevailing disease"; in November, "in better condition"; "Bombay fever on Wolmar estate."

As only one contravention of the law was taken during the year, and not a single nuisance reported to have existed, Black River must be regarded as a model district, forming a singular exception to every other. This is interesting in connection with the low rate of mortality for which this district has always been conspicuous. But the reports from this district are characterized by an entire absence of details, and are far from being satisfactory.

Plaines Wilhems.

The local inspector, in his May report, speaks of the pollution of the Rivière du Médine, as it flows through the "Bon Accord" estate, quantities of filth from the camp being washed into the river by the rain; and of another river which traverses the "Belle Terre" estate being polluted by accumulations of fœcal matter, and by residues from a sugar-house. He speaks also of stables and pigsties being built on the borders of the rivers. "On the 'Bagatelle' estate the canal is polluted whenever the mill is at work," and states that the Indians wash their persons and their clothes in the canal, along the course of which are several camps. In November, he deplores the bad sanitary condition of "*too many* of the sugar estates." He states that the residues are *generally* allowed to flow into the rivers and canals, and thinks the evil so great as to demand the most serious consideration. He believes diarrhœa and dysentery are caused by the drinking of impure water. He mentions the general dirty condition of the camps, and their being crowded with goats and other animals. Reporting the absence of public slaughter-houses, he states that "animals are killed in the open air, "and the meat, after exposure to the weather, is stored for the night in the dwelling of the butcher; "often in the room where the family sleeps." He describes the Indian villages, especially that of Rose Hill, as being greatly crowded; and the Chinamen's shops as choked with persons and provisions, and generally emitting foul odours, and states that putrid salt meat is occasionally to be found in those places.

The localities mentioned as having suffered most from fever were "Vacoa," "Curepipe," and the "Phœnix" estate.

Moka.

There is nothing salient in the sanitary reports of this district, except it be that the Reduit Canal seems to be a favourite subject for contravention on the part of Indians,—washing, bathing, and throwing dirt into the canal being among the cases reported almost every month.

The inspector states, in April, that a central cemetery is very much wanted in the district. The state of Indian camps, although not generally mentioned, does not seem to be good; the inspector observing that they are "badly built, the *cases* low and narrow, having more the aspect of pigsties than "human habitations."

Bombay fever prevailed throughout the whole year, and particularly on the "Hermitage" estate, where it was very fatal.

The "Moka," "Souillac," and "Jacquart" rivers are stated to have been polluted by the residues of sugar factories. MAURITIUS.

SUMMARY.

The various sanitary evils referred to in this and former reports may be thus summed up; and first, as regards

Port Louis.

1. The defective drainage of the town, which demands the most serious consideration.
2. The overcrowded condition and defective construction of certain camps and dwellings.
3. The unrestricted liberty enjoyed by the Indians in the erection of their miserable huts within the limits of the town, utterly regardless of their own and the public health.
4. The evils arising from the unlawful possession and sale of poisons.
5. The deplorable condition of most of the rivers and streams, especially the Pouce diversion and Butte à Tonnier; the first of which, unless it be obliterated and the old channel to the sea reopened, should be paved and periodically flushed; and the latter converted into a covered sewer.
6. The insufficient number of public fountains, the irregular and defective water supply, and the absence of public baths and wash-houses.
7. The inadequate number of public latrines, and the various nuisances arising from the present system of night service.
8. The lamentable condition of many of the roads and gutters, and the nuisance occasioned by dust in the dry weather, from the non-employment of water-carts.

Rural Districts.

1. The pollution of rivers and canals by the residues from sugar houses and distilleries.
2. The defective water supply to many camps on estates, and the general absence of filtres.
3. The unhealthy sites and defective construction of many camps; their dirty and overcrowded condition; and the evils resulting from the presence of goats, pigs, and other animals within their precincts.
4. The badly placed manure heaps, which are generally too near, and often to windward of the camps.
5. The neglected state of many cemeteries, public and private; and the need in some districts of additional burial-grounds.
6. The absence of slaughter-houses, and the evils resulting therefrom.
7. The inadequate provision made for the medical relief of the poor,—the want of asylums for their reception, and of dispensaries for their treatment.
8. The want of asylums for the reception and isolation of persons afflicted with leprosy. The establishment of such asylums has been strongly advocated by the Central Poor Relief Committee, and would be a most admirable measure. An opinion prevails generally that this frightful disease is communicable; at any rate, there seems no doubt that it is spreading amongst all classes of the community.
9. To these several evils may be added that of an alleged insufficient medical inspection of new immigrants before they are sent to work on the plantations. Some of the local reports speak of such men being received from the depôt when suffering from fever, dysentry, and diarrhœa.

LOCAL BOARD MINUTES.

The Minutes of Meetings of most of the Local Boards have from time to time embodied opinions and resolutions, equally condemnatory of the present sanitary law. Port Louis.

The Local Board of Port Louis proposes, 1st, "To suppress the sanitary office as it now is and to "give over its duties to the Municipal Corporation (who shall keep distinct and separate books and "accounts as prescribed by law). The duties of sanitary inspection to be carried on by the present "officers.

2d. "The Municipal Corporation to make provision for such funds as may be necessary for the "works and expenses of the Board, who shall, in any case of emergency, or for certain special works, "levy a sanitary tax.

3d. "Owners of premises (after being informed by public notice) to declare within a prescribed "delay, the name, surname, profession, and residence of their tenants, and the amount of their rent. "Proprietors not complying to be answerable for the tax."

The Local Board of Pamplemousses is of opinion "that the sanitary rate should be collected by "Government, and sanitary inspection entrusted to the police." Pamplemousses.

With reference to a resolution lately passed by the Local Board of this district, the President remarks:—

"The figures therein quoted show that out of 599*l.* 16*s.* 4*d.*, the total amount of the rates collected "during the last thirteen months, the four sanitary inspectors have received, as fixed salaries, "allowances, and per-centage on rates collected, 380*l.* 10*s.* The amount of rates uncollected is "52*l.* 3*s.* 8*d.* This result shows how the inspectors have performed their duties as collectors. If the "work they have done in their capacity of inspectors could be similarly measured, the result would "be,—I have no hesitation in saying—that a very small portion of those 380*l.* 10*s.* has been earned in "that way by three out of the four of those officers. The fourth inspector's collecting limits were "in September last confined to the village of Pamplemousses and vicinity, which leaves him com-"paratively free for his duties as inspector. The fact is, as my observations plainly show me, that "these collecting inspectors *play off one part of their duties against the other*, and make each a means of

MAURITIUS. "shirking the other. Thus, if few collections have been made, a long list of premises *said* to have "been inspected is given in; if nuisances, &c. have not been reported, the absence of the inspector *to* "*try to collect rates* is made the excuse. It is for this reason that I proposed the scheme set forth in "the resolution under notice, considering that it would be better to pay for collections even the very "high rate of 15 per cent. on the amount collected than to pay, as we are now doing, *rates collected or* "*not collected*, an at least equal amount as salary to two inspectors, over and above the number that "would be required if the inspectors had only their legitimate duties to perform.

"As I shall, probably, not be chairman of this Board many weeks longer, I feel bound, if only *pour* "*acquit de conscience*, to record my protest against the present state of things, against the levying of a "rate, the costs of collection of which (reckoning the services of the collecting inspectors, *as inspectors*, "at their real value, and allowing as expenses of collection half of the secretary's fees and of office "expenses) may fairly be estimated at something very near 50 per cent. on the amount "collected.

"At the risk of troubling the General Board with matters, perhaps, not within their province, I take "leave to remark that it is unfortunate for the ratepayers that the sanitary rate and the poor's rate "cannot be collected together, and by the same officers."

Grand Port. The Local Board of Grand Port considers the law "altogether inoperative for the repression of "those nuisances against which the byelaws have been framed."

2d. "That the means of coercion left to the Board by Ordinance No. 18 of 1860 are altogether "insufficient, not to say null."

3d. "That to enforce the law, as it is at present, would necessarily require a staff of officers by far "more numerous than the financial position of the Board would allow."

Plaines Wilhems. The Local Board of Plaines Wilhems are of opinion, "that without some change in the law it will "be impossible for the Board to exercise its functions, and that Government shonld be requested to "undertake the recovery of the rates."

Moka. The Local Board of Moka states, "it is difficult to find in the district a sufficient number of "enlightened and influential men willing to serve on the Board."

2d. "That the Board of Health, as now constituted, does not render the services which the com- "munity has the right to expect, in presence of the enormous sanitary rates paid, and that it could "only work with advantage and be necessary in times of epidemics. That the inhabitants are "unwilling to pay the sanitary tax (as is proved by the arrears) on the grounds that the district "derives no advantage whatever to balance the cost of the institution, and that in ordinary times a "sanitary inspector to correspond with the General Board would amply answer the wants of the "district."*

FINANCE.

The Revenue and Expenditure for 1865 shows, 1st, that there was a difference of 4,900*l.* between the estimated and actual revenue of Port Louis; 2d, that only 485*l.* of the 1,860*l.* to have been collected for extraordinary purposes after the inundation of February was recovered; and 3d, that only 1,309*l.*, instead of the estimated sum of 3,860*l.*, was expended on drainage, and other sanitary works.

In some of the rural districts the difference between the estimated and actual revenue and expenditure was also considerable, particularly in Pamplemousses, Grand Port, Black River, and Plaines Wilhems. In one district 350*l.* was estimated for works, and only 48*l.* expended; in another 140*l.* and nothing expended. The amount expended on works formed less than one-fourth of the total expenditure.

The estimated revenue of all the Local Boards for 1866 is 12,140*l.*, that of Port Louis being 6,941*l.* Port Louis proposes to expend 2,000*l.* in the repair of gutters, the only sanitary work projected. The amount estimated for works in the other districts is 1,930*l.*, which includes the repayment of 538*l.* either advanced by Government and others, or due to contractors for works already completed, and 300*l.* for scavengering at Mahebourg. The new works consist of cemeteries at Pamplemousses and Moka, and a fountain and slaughter-house at Flacq.

From the year 1861, when the Sanitary Ordinance first came into operation, to the end of the year 1865, the estimated revenue of all the Local Boards was 61,051*l.*; their actual revenue was 38,955*l.*

The amount estimated for sanitary works was 26,364*l.*; the amount actually expended on such works was 6,348*l.*

The nature of the works executed in Port Louis may be described as drainage works,—the cleaning of rivers and brooks, the repair of roads and gutters, and the establishment of a few public latrines. For such works the large sum of 22,555*l.* was estimated during the five years, and the total amount expended upon them was 4,279*l.*

In the country districts the permanent works consisted of several cemeteries (say six), one hospital, (at Plaines Wilhems), not yet paid for, and a fountain, and the amount expended thereon was 2,069*l.*

The total arrears of rates due to the several Local Boards on the 31st December 1865 amounted to 10,125*l.*, of which 6,472*l.* belonged to Port Louis. About one half of the total arrears is considered as irrecoverable.

The total liabilities of all the Local Boards at the same date amounted to 4,755*l.*, of which sum Port Louis owed 4,058*l.*

During the above five years the ordinary rate of Port Louis varied from $2\frac{1}{2}d.$ to $7\frac{1}{2}d.$ in the pound, and in the rural districts from 2*d.* to 9*d.* The highest average rates were levied in Moka and Port Louis, viz., $5\frac{3}{10}d.$ and $5\frac{1}{3}d.$; the lowest in Pamplemousses and Flacq, viz., $3\frac{3}{5}d.$

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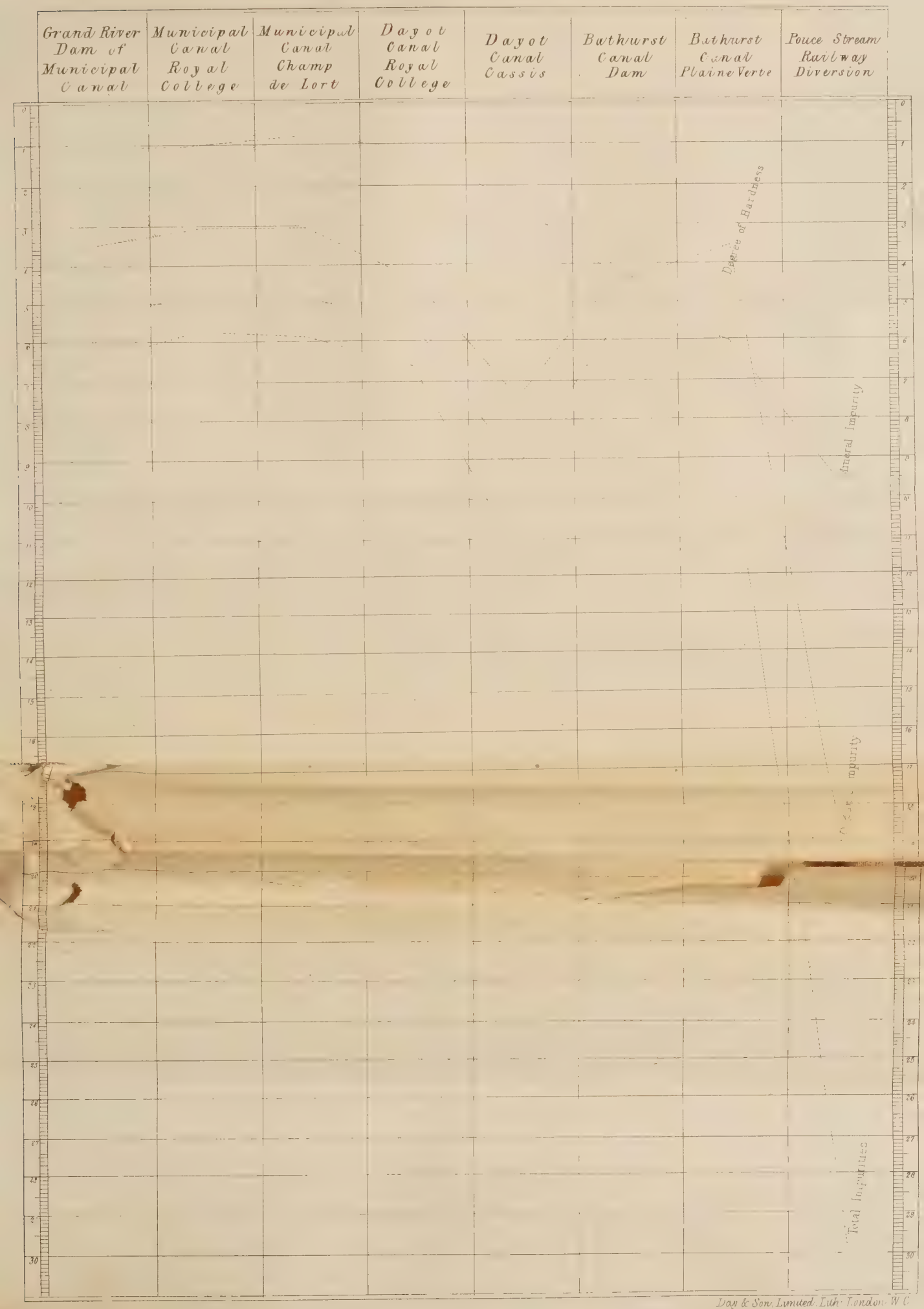
* These observations were embodied in the report for 1864.

Diagram, shewing the relative Impurities of the Canals, and Pouce Stream.



Day & Son, Limited, Lith. London, W.C.

The following table shows the value of assessed property in each district of the Island upon which the sanitary rates are levied:—

District.	Assessed Value.
	£
Port Louis	1,653,340
Pamplemousses	63,338
Rivière de Rempart	19,700
Flacq	25,240
Grand Port	29,000
Savanne	117,501
Black River	15,000
Plaines Wilhems	40,219
Moka	19,393
	£1,982,731

February 26, 1866.

C. F. EDWARDS,
General Sanitary Inspector.

Enclosure 3 in No. 18.

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ANALYSIS.—RIVERS.

	Rivière du Rempart.	Black River.	Rivière des Anguilles.	Rivière du Poste.	Rivière La Chaux.	Grand River S.E.
	°	°	°	°	°	°
Hardness	7·0	5·6	4·0	2·6	3·0	3·4
Total residue	10·536	7·414	5·216	3·682	4·263	4·597
Organic matter	1·392	1·043	0·914	0·087	0·599	0·722
Mineral residue	9·144	6·371	4·302	2·875	3.664	3·875
Mineral Residue.						
Silica	0·525	0·544	0·331	0·171	0·193	0·204
Alumina	0·911	0·613	0·323	0·163	0·261	0·281
Iron (sesqui-oxide)	0·073	0·068	0·039	0·020	0·034	0·036
Lime	2·128	1·807	1·076	0·636	0·778	0·839
Chloride of sodium	0·880	0·322	0·390	0·290	0·397	0·408
Do. potassium	0·717	0·276	0·362	0·277	0·379	0·393
Magnesia	0·333	0·200	0·077	0·033	0·052	0·059
Sulphuric acid	3·010	0·222	1·538	1·063	1·344	1·438
Carbonic acid	0·565	0·341	0·212	0·189	0·201	0·202
Phosphoric acid	0·007	Trace.	Trace.	—	—	—
	19·49	6·392	4·348	2·842	3·649	3·860

Enclosure 4 in No. 18.

Encl. 4 in No. 18.

REPORT on ELEMENTARY SCHOOLS in MAURITIUS supported or assisted by GOVERNMENT, during the Year 1865.

May it please your Excellency,

I beg to lay before your Excellency the following Report, in which the state of Education in our Government and Denominational Schools for the past year is reviewed:—

1. It has been thought desirable to premise the present Report with a succinct sketch of the rise, progress, and development of Elementary Instruction in Mauritius.

Materials from which to compile a very complete account are scanty, and the information in certain cases not very authentic.

2. It appears, from the earliest records extant, that the original Educational Board, denominated and constituted by a Decree dated 14th May 1800, the Committee of Public Instruction had assigned to it the duty of superintending all schools, both public and private; nor could any seminary be opened without its consent. It was also empowered to inquire into the character and qualifications of all persons seeking employment as teachers.

3. At the time of the capitulation of the Island there existed, it is said, but one public and one private school.

4. By an Imperial Order in Council, dated 10th August 1836, the Committee of Public Instruction was limited in its superintendence to the Royal College and the Government Schools, inasmuch as the

MAURITIUS.

Decree abrogated all laws and proclamations by which private institutions were subjected to State control; hence private enterprise was left unfettered, with the simple restriction that persons exercising the functions of a schoolmaster should be natural-born or naturalized subjects.

5. The Board, known until recently as the Education Committee, was instituted under Royal sanction in July 1840, by virtue of Ordinance No. 6, passed in the previous year. The list of original members comprised the names of the Honourable G. F. Dick, the Right Reverend Dr. Morris, the Reverend Langrishe Banks, Mr. Felix Faduilhe, and Mr. Evenor Dupont,—men whose names are worthy of record in the annals of education for having laid the foundation upon which the superstructure of our present system has been reared.

6. Official records testify to the existence in the year 1843 of five Government Schools in Port Louis, one at Pamplemousses, and one at Grand Bay; containing, in all, about 500 scholars. The Society for the Propagation of the Gospel also had two schools in Port Louis and four in the provinces, numbering 400 pupils more. The Mico trustees had three in Port Louis and seven in the country, with 600 on books. The London Society had four schools in Port Louis and one district school, containing 356 on books. These were supplemented by another, established and supported by Lady Gomm, at Reduit.

7. On the 8th March 1842 a Despatch from the Home Government was communicated to the Education Committee, notifying to the Board that the parliamentary grant then made to the Mico trustees would cease at the expiration of five years from the date in question.

8. Upon the extinction of the grant the Local Government undertook the entire support of these schools, by funds from the Colonial Treasury, and under authority of the Secretary of State, by Despatch, No. 43, of 20th January 1843, the services of the Reverend J. M. de Joux, the Mico superintendent, with those of the teachers employed under him, were taken over and retained.

9. This arrangement gave birth to the Schools' Department. The stream of popular education quietly flowed on, and the traditions of the office bear testimony to the zeal and administrative tact with which its respective heads have carried out their important labours.

10. The school now known as the Western Juvenile School was the first free institution of the kind opened under the auspices of the British Government. To this school, which came into existence on the 3rd January 1823, a Mr. Jenkins, upon the nomination of Sir Robert T. Farquhar, was appointed master. About the same period a Female Juvenile School, supported by voluntary contributions, was established under the auspices of the Honourable and Reverend E. Finch, Civil Chaplain, and managed by a Ladies' Committee. This school, in the year 1829, was transferred to Government, and from that time has remained in the pay and direction of the Schools' Department.

11. In the year 1837 was established the first Colonial Infant School. The first Boys' School, founded and supported by private liberality, was the one at present known as the Eastern Suburb School; this also, in the year 1835, was made over to Government. Three years subsequently a Girls' School was annexed to it.

12. The Pamplemousses School was instituted for the children of the blacks employed in the Queen's Gardens, and was placed under the direction of a Mr. Courtois, who for many years had been a catechist among them.

13. The school at Grand River owes its existence to the beneficence of the Mauritius Branch of the Ladies' Negro Education Society, and was made over to the Schools' Department in the year 1843.

14. From these parent schools, directly or indirectly, all others have sprung. The popularity of free institutions did not, however, keep pace with the increasing prosperity of the Colony; and in the year 1844 the Committee had to complain in very unmistakeable terms of the apathy of the parents, and the unsettled habits of the children, which, combined, threatened to paralyze the efforts of the Board, and defeat the object for which such schools had been established. Nor is it probable that they would have long survived the period of infancy but for the munificent assistance rendered by the Incorporated Society, whose expenditure in the erection and support of schools had, up to the year 1845, amounted to several thousand pounds.

15. In the year 1860 Ordinance No. 38 was passed, to make better provision for the control and management of the Royal College and Government Schools. By virtue of this Act the Board, then designated the "Education Committee," was to be superseded by a Council of Education, to be composed of not more than 10 ordinary and 10 extraordinary members, chosen annually by the Governor. Of this Council the Rector of the Royal College and the Superintendent of Government Schools were constituted *ex officio* members, the latter being also secretary.

16. The Ordinance also provides for the appointment of a President and Vice-President, defines their powers and duties, authorizes the constitution of Committees for the Royal College and Government Schools respectively, and defines the duties and powers of these Boards.

17. By Section XX. "the Council is constituted a Corporation, to the effect of being able to receive "and hold property, moveable and immoveable, which may be granted, bequeathed, or presented to it "for the purpose of endowing professorial chairs, lectureships, bursaries, or prizes, or for founding "libraries or museums in the Royal College, or in any Government School in the Colony, or for the "purpose of endowing any school to be administered as the Government Schools, in terms of this "Ordinance."

18. In the year 1857, upon the appointment of the late Mr. Walsh, there were 24 Government Schools, but none assisted by grants. In the following year, by virtue of Ordinance No. 6, of 1856, grants were assigned, for the first time, in aid of Denominational Schools. Before his death, the late superintendent had the satisfaction of seeing placed under his inspection no less than 33 of these institutions, making a total of 57 schools.

19. The number at present under the superintendence and inspection of the Department is 97 (the Indian Orphan Asylum, the Grand River Reformatory School, and schools with grants in temporary abeyance, not included).

20. Of this number 44 are supported exclusively by Government, and the remainder assisted by annual grants in aid of maintenance.

21. In the grant-in-aid schools, with few exceptions, the instruction is gratuitous; in those of the

Government the fee is one shilling per mensem. The revenue from this source has during the current year amounted to 796*l.* 5*s.* 7*d.*

22. To orphans and children, well accredited to be in necessitous circumstances, admission is free.

23. The average age of the children in the Government Creole Schools, taken in respect to 2,580 boys, is 9 years; and in respect to 842 girls, 8 years.

24. In the Government Indian Schools the ages vary from 5 to 13 years.

25. In the Government Schools the number of pupils on roll was, on the 1st December, 2,580 boys and 842 girls; in all, 3,422. Of these, there were 884 Indians. Compared with the last year's returns the increase in the number of scholars amounts to 757.

26. According to the last quarterly returns, there were on the books of the Denominational Schools 1,301 boys and 1,274 girls; in all, 2,575, or 319 in excess of the number under instruction at a corresponding period in 1864.

27. The average daily attendance, as estimated upon the December returns, was for the Government Schools 1,808 boys and 532 girls; in all, 2,340, being an increase of 356 as compared with last year.

28. At the Elementary Schools, according to the most recent returns, there were in average attendance 817 boys and 854 girls; in all, 1,671, showing a decrease of seven scholars.

29. The pupils in the Government Schools are taught upon an uniform system, although the methods of tuition vary slightly in different schools.

30. In point of organization, discipline, and the subjects of instruction, there is no very appreciable difference.

31. The services of the masters and mistresses are supplemented by pupil-teachers, and, in some cases, by adult assistants and monitors.

32. A syllabus of instruction is issued at the commencement of each year, and the examinations are based upon this routine. The classes in most schools average from 15 to 21 scholars. The recent annual examinations—at some of which I have had the honour of being assisted by the Right Reverend the Lord Bishop of Mauritius, General Johnstone, the Vice-President, and certain other members of the Council of Education—have shown marked progress in the subjects of arithmetic and geography, and an average degree of proficiency in most other branches. In former years, there has been no difficulty in determining which schools to select as worthy of special mention. Whilst, in one respect, I regret that it does not lie within my power to point to certain long-established schools as models of success, it is none the less gratifying to be able to place upon record a testimony, supported by other members of the Council of Education, to the assiduity of not a few other teachers, who, by dint of hard work and perseverance, have succeeded in placing their schools so much upon an equality, that it is scarcely possible to say to which the palm of superiority is this year due.

33. In their knowledge of the English and French languages the schools have stood side by side. In the case of several, arithmetic has taken the lead; in others, geography.

34. One school exhibited a marked deficiency in both these important branches, whilst none excelled it in languages.

35. In writing short narratives in English or French from dictation (the sentences being selected, in most instances, from a daily journal), the errors in the former subject have ranged, in the two upper classes, from 4 to 14 per cent., in the latter from 2 to 18. Occasionally the exercises were given in without a fault, but as these instances were comparatively rare the fact is merely stated.

36. The specimens of writing exhibit nothing very remarkable over the productions of former years. From the nature of the climate, penmanship is an employment which the children fully appreciate. It is, therefore, no marvel if their copy books exhibit, as many of them do, clean and faultless lines. The principal cause of bad writing arises from the practice of giving pupils too large a quantity of copying to do, without an adequate amount of time in which to execute it neatly. And as respects other matters, what is once well done is twice done, so in writing, what is once well written is twice written.

37. In setting forth their points of excellence, I should be sorry if it were to be inferred that the schools are all that can be desired. They are far from that. With every new year new materials come to hand, and the teacher must again go over, with little variation, the ground he has often passed before.

Salaries.

38. Teachers in the employ of Government are now much better paid than formerly. By reference to the Appendix it will be seen that the highest stipend drawn by any one master is 290*l.* per annum, exclusive of lodgings and allowances.

39. The maximum paid to any one mistress is 170*l.*, exclusive of rent and allowances.

The highest gratuity paid in any one case for the training of pupil-teachers is 31*l.* 4*s.*

40. The average annual stipend of 20 masters, calculated upon the pay for the present year, is 165*l.*, exclusive of gratuities and lodging money; that of the mistresses, taken with respect to 20, is about 84*l.* In cases where married couples are employed, the maximum joint sum paid in any single instance amounts to 390*l.*; the next highest is 310*l.*, and the lowest 210*l.* per annum, exclusive of other emoluments.

41. In the Indian Schools the highest (and only instance of the kind) is 120*l.* per annum, paid to any one master, and the lowest, on probation, 24*l.*

The average, taken with respect to 16 teachers, is about 45*l.* per annum, in addition to quarters or lodging allowance.

Elementary or Denominational Schools.

42. The state of education in the Elementary or Denominational Schools is, upon the whole, if one subject be excepted, satisfactory. As respects acquaintance with the English tongue, there is a marked deficiency among the scholars generally; and, inasmuch as the study of the English language constitutes one of the most important conditions upon which grants are made to schools, the renewal

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of such aid in the year 1866 will necessarily depend very materially upon suitable arrangements being made in the interim for the better fulfilment of this proviso.

43. In point of organization and discipline considerable improvement is manifest, and the services of the "Teachers of Method," who were appointed for the purpose of effecting reform in these particulars, have been favourably received and appreciated.

44. Two schools, among some others which might be mentioned, are worthy of special notice. Under vigilant management, and taught by masters of aptitude and talent, the Roman Catholic Parish School of Moka and the Protestant Mission School, Camp Yoloff, have attained a state of efficiency alike creditable to the managers, teachers, and scholars.

Indian Schools.

45. To those who take an interest in the question of Indian education, it will be gratifying to learn that during the past year six new Indian Schools have been brought into operation under the direct auspices of Government, and that not less than 1,200 immigrant children are at the present moment under regular instruction.

46. Of the 30 Indian Schools now established, 10 are in receipt of grant, and 20 belong to Government. In the former there are 320 and in the latter 880 pupils, giving an average of 88 children for each of the schools under Government, and 32 for those known as Denominational Schools.

47. With so palpable a desire among the Indians for education, were suitable appliances at hand, schools might be increased in much more rapid succession.

48. Since the completion of the railways some able and well-educated men, formerly engaged as clerks or overseers, have presented themselves for employment as teachers, and in several cases their services have been accepted.

49. Possessing, as the Indians appear to do, the peculiar power of self-adaptation to almost any analogous duty, a very brief period of training suffices to render men of intelligence very successful teachers; and conversant as most of them are with from three to five vernaculars, they are able to exercise considerable influence among their countrymen.

50. The Indian Reformatory School at Grand River, in connection with the Vagrant Depôt, is a new feature in educational matters here, and no one visiting the inmates at their work can fail to be impressed with the importance of such an establishment, the tact with which it has been brought into operation, and the sound moral discipline which has been infused into all its parts. The principal drawback at present is that the inmates are only there for very brief periods.

51. The object of this institution will be best explained by the following extract from a prospectus recently issued by Major Anson, to whose suggestion, under your Excellency's approval, it owes its existence:—

"The object of a Reformatory," says the document in question, "is to provide a refuge from crime "for such young persons as, not having attained the age of discretion, have rendered themselves "amenable to the criminal laws of the country; and a place of detention where, instead of mixing with "older and more hardened criminals in the common gaols, they may, by means of a moral and practically "useful education, carried out under a strict system of discipline, tempered with judgment and kind-"ness, be weaned from their evil habits, and be restored to society as respectable members, able and "willing to earn an honest livelihood,—thus diminishing the number of those who, brought up in a "course of crime, continue that course through life, and become, when in gaol, a burden on the "country, and when free a nuisance to the community at large.

"The education of boys at a Reformatory should be divided under the three following heads:—

"1. Moral.
"2. Primarily theoretic.
"3. Practically useful.

"Under the first head they should be instructed in the first principles of religion, the moral obliga-"tions of servants towards their masters, and those portions of the law relating to servants and masters, "and of the criminal code with which it would be most useful for them to be acquainted.

"Under the second head should be included such an acquaintance with the three Indian languages, "Nagari, Tamil, and Coringhy, as would enable the boys speaking those several languages to under-"stand one another, and each to be able to read and write his own. They should also be taught to read "and write the English language, and the first rules of arithmetic. Under this head, also, should be "taught the primary rules for road making, stone working, carpentering, building, tailoring, shoe-"making, conducting carts, or driving along the roads as carters or coachmen, horse-shoeing, black-"smith's work, preserving public health, and for all the ordinary every day occupations of tradesmen "and workmen in the Colony, all of which could be done by a series of simple *viva voce* questions and "answers, with explanations from their master.

"Under the third head should be included sweeping, scrubbing, cleaning, and whitewashing, "washing clothes, and all the other household occupations of the establishment; also working on the "roads, attending and assisting the masons, carpenters, blacksmiths, and other tradesmen employed by "the Surveyor-General's Department, and the performance of such other useful labour as it might be "possible to carry out within the Reformatory itself, or by allowing well-conducted boys to work a "certain number of hours a day for some of the respectable tradesmen in the neighbourhood of the "Reformatory, which might facilitate boys in obtaining masters who could take an interest in them, at "the expiration of their term of detention, and at the same time be a means of preserving boys from "the temptations which a sudden emancipation at the end of their period of detention might occasion.

"In educating boys at a Reformatory, care should be taken not to do so in competition with those "whose parents, by care and expense in their education, have brought them up in honesty and "respectability.

"The amount of education aimed at should not exceed that which would put a boy in the position "of having a fair start on leaving the Reformatory, if he should, by his own will and by his own efforts, "determine to compete with those who had been carefully educated by their parents or friends."

52. The very inadequate supply of such books as can be judiciously used in the Indian Schools is a constant source of inconvenience. Excellent works, of strictly a sectarian character, can be procured with ease, but such are inadmissible, from the fact that their introduction would be antagonistic to the principle and nature of Government Schools.

53. Those employed have been selected with scrupulous care, and with a view to secular and moral education, apart from all denominational and doctrinal differences.

54. The Denominational Schools have in this respect the advantage that no restrictions are imposed, and the managers are left unfettered in the choice of their materials, and in the extent of their application.

55. The facility with which Coolie children, especially the Tamil race, acquire an acquaintance with the English language is quite remarkable. In accent, in fulness of intonation, and in correctness of expression, many first-class pupils could compete very fairly with the children of village schools in England.

56. The most successful of the newly established Indian Schools are those of Pamplemousses, Arsenal Road, Flacq, Plaines Wilhems, Western Suburb, and Cassis. Although but recently organized, they compare well in their results with similar institutions in another dependency, where the educational appliances are analogous to those employed here.

57. Female education is but in poor request among the Indians. By habit and by tradition they have for so long been accustomed to deal with their daughters in a manner destitute of every moral qualification, that years of enlightenment, precept, and example will yet be needed to convince the Malabar mothers that virtue is more precious than rubies, and that all things that they can desire are not to be compared to it.

58. It will be seen, upon reference to the Appendix, that out of the entire number of emigrant children now under instruction, only about 15 per cent. are girls.

59. Adverting to the Immigration Report of last year, it will be found that the estimated Indian female population then amounted to 72,798. This enormous element of our population, placed against the 200 girls at present under any kind of instruction whatever, is a very startling and unsatisfactory fact, and augurs but poorly for the moral and intellectual qualifications of those from whom thousands must eventually derive their existence, and under whose culture the next generation must be reared.

60. A scheme projected upon a plan as extensive as that which seeks to secure for the labourers on each sugar estate suitable medical attendance would not exceed the limits which might be prescribed for educational operations. It is to be hoped that public interest on behalf of the Coolie settlers when once kindled will spread, and that the time may not be far distant when every Indian child may at least have the ordinary means of instruction placed within its reach.

61. To eradicate evils and to develop virtues, to influence the heart and discipline the mind, are not the work of a day. Each age and each country has assigned to it its tasks and its responsibilities, and Mauritius is not exempt. Philanthrophy demands thus much at our hands, and the State asks no more.

62. Promises have been made by certain planters to establish "Half-Time Schools," and I have good reasons to hope that in the course of a few years no well-regulated estate will be without one.

63. For the factory children of the mother country, philanthropy has stepped in, and Great Britain is spared the stigma of being guilty of classifying humanity with the raw material of her looms—a noble example, which has been copied at the Arsenal estate, where every child employed by the proprietor is expected to attend school for three hours daily, and before his physical energies shall have become impaired by the toil of the field and the mill. The school to which allusion is made is opened during five mornings of the week; business commences at 7 A.M. and closes at 10 o'clock.

64. In a commercial point of view, a more animated scene can scarcely be conceived than that where children in groups of from 20 to 30 are seen cleaning the cane fields of weeds, and preparing for the ingathering of the staple produce of the Colony, whilst in a philanthropic aspect what more saddening than the reflection that, beyond the impulses developed by nature, these unfortunate children know absolutely nothing? To them morality is a myth: their sense of right and wrong, the measure of punishment which may await them upon the detection of guilt. To those silent influences, emanating from a higher nature, which wean mankind from vice and commend to him virtue, they are utter strangers.

65. Undoubtedly, in social ethics, the first great problem to be solved here is, how best to educate the teeming Indian population in the principles of loyalty, morality, and good citizenship? Already examples are not wanting among them to show that they are equally susceptible, when suitable opportunities are afforded, of becoming, both morally and intellectually, inferior to none of the varied races comprised in the population of Mauritius.

66. A few words expressive of my deep obligations to your Excellency for the favourable consideration which you have been pleased to accord to the various educational suggestions I have had the honour to submit,—to the members of the Council of Education generally, and more particularly to the Schools' Committee, for their advice and co-operation, will, I hope, be deemed neither inappropriate, nor, I trust, an unacceptable conclusion to the present report.

I have, &c.
(Signed) J. COMBER BROWNE,
Superintendent of Government Schools, and
Inspector of Schools established under
Ordinance 6 of 1856.

Schools' Office, 31st December 1865.

Enclosure 5 in No. 18.

Encl. 5 in No. 18.

PROCUREUR GENERAL'S REPORT—PRISONS.

During the year 1865 the prisons in the Colony continued, as formerly, to consist of a central prison in Port Louis, and a local one in each district, all being Government establishments, each managed by a Government officer, who is assisted and controlled by a committee.

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The prisons of Port Louis contain at the same time the only prison in the Colony for felons, from all parts of the Island; and the local gaol for prisoners of every other description (except vagrants) sentenced by the judges of the Supreme Court, and the magistrates of the district of Port Louis. It is also a house of detention for prisoners awaiting trial.

There is a separate ward for each class of prisoners, and the several classes are kept as distinct from each other as the nature of the buildings and the position of the work-yards will allow.

The following are the chief statistics of the Port Louis prisons for the year 1865:—

1. The number of prisoners remaining on 31st December 1864 - - - 534
   Entered prison during the year 1865 - - - - - 5,144

   Total number on prison books in 1865 - - - - - 5,678
   Number of prisoners who left prison during 1865 - - - - 5,085

   Remaining on prison books on 31st December 1865 - - - - 593

2. There were 2,879 fewer committals to prison in 1865 than in 1864, or 35·88 per cent. decrease.

3. The following is a statement of the several countries to which the prisoners committed belonged:—

English	227	Portuguese	2
Irish	124	Malays	2
Scotch	72	Swedes	18
Prussian	6	Norwegians	8
Dutch	7	Austrians	4
French	72	Arabians	4
American	27	Creoles of Mauritius	904
German	13	Madagascar	47
Hanoverian	2	Mozambique	40
Peruvian	3	Chinese	32
New Brunswickers	1	West Indians	15
Bermudians	1	Natives of Bengal Presidency	2,085
Canadians	2	Natives of Bombay Presidency	151
Finlanders	1	Natives of Madras Presidency	1,211
Belgians	1		
Jamaica	2	Total	5,144

From this statement some idea may be formed of the difficulty there is in maintaining order and discipline in the prison. The numerous and great differences among the prisoners with regard to religion, language, caste, and nationality render it impossible to carry out a satisfactory system of classification, and throw difficulties in the way of prison discipline which are unknown in Europe.

4. The following table shows the number of prisoners committed, on sentence in 1864 and in 1865, by the Courts whose prisoners were received in the Port Louis prisons, as also the decrease in the committals on a comparison of these two years:—

—	Stipendiary Magistrate.	Police Magistrate.	District Courts.			Supreme Court.		Naval and Military Prisoners.	Remanded for Trial.	Total.
			Merchant Shipping Act.	Civil Side.	Criminal Side.	Civil Side.	Criminal Side.			
1864 - -	2,080	3,048	102	62	2,207	54	116	15	339	8,023
1865 - -	192	2,720	90	50	1,709	23	97	3	260	5,144
Decrease -	1,888	328	12	12	498	31	19	12	79	2,879

It will be perceived that there was a decrease in the number of committals of every class of prisoners during the year 1865 as compared with 1864; and the subjoined statement shows the proportion of the decrease in each class.

The committals by the Stipendiary Magistrate's Court were reduced		-	90·77 per cent.
Do.	by the Police Magistrate	-	10·76 do.
Do.	by Marine Magistrate	-	11·76 do.
Do.	by District Magistrate, civil side	-	19·35 do.
	by District Magistrate, criminal side	-	22·51 do.
Do.	by Supreme Court, civil side	-	57·40 do.
	by Supreme Court, criminal side	-	16·37 do.
Do.	by Courts-martial	-	80·00 do.
Do.	by remanding for trial	-	23·30 do.

The great change on the first head arises from the greater number of prisoners condemned by the stipendiary magistrate having been transferred to a separate vagrant prison during the year 1864. The

other items show an actual diminution in the number of convicted offenders, as to which the report on crimes contains some explanations.

5. The committals by the police magistrate were fewer in 1865 by 328 than in 1864 (the decrease being 10·76 per cent.), but they exceeded considerably those of 1863.

The following is a return of the committals of the same class of offenders—namely, for drunkenness, disorder, and contravention of municipal regulation within the boundaries of the town—since 1859:—

1859	2,144	1863	1,800
1860	2,629	1864	3,048
1861	3,375	1865	2,720
1862	2,365		

The diminution during 1865 may, perhaps, be in part accounted for by the fact of the police magistrate's court having been for six months under acting magistrates, who imposed fines of much lower amounts than those imposed by the titular magistrate. The consequence was, that of the persons sentenced in 1865 for police offences a larger proportion paid their fines and escaped imprisonment than in 1864.

This explanation, however, will not account for the fluctuations in the number of this class of prisoners during the last five years, which it has been found impossible to explain.

6. The committals for offences by seamen under the Merchant Shipping Acts were as follows:—

1859	155	1863	82
1860	172	1864	102
1861	172	1865	90
1862	159		

These numbers show a reduction of 12 in the committals in 1865, as compared with 1864. Although the committals under this head are eight more than those in 1863, yet they are considerably fewer than during the four years preceding 1863.

7. The committals of fraudulent debtors were nine less in 1865, or a decrease of 19·35 per cent.

The committals of this class since 1859 were as follows:—

1859	39	1863	103
1860	71	1864	59
1861	101	1865	50
1862	103		

The marked diminution in the number of these prisoners during the last two years is to be attributed to a circular written by me to the district magistrates in 1864, pointing out that the imprisonments on this head had been imposed with a severity not intended by the law. The magistrates have in consequence adopted a more lenient practice, and a reduction in the number of committals has followed.

8. The following is a return of the committals by the junior district magistrate, *i.e.* on the criminal side of the District Court of Port Louis, as also the more serious offences for which the committals were made, since 1859:—

Year.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Larceny	914	1,157	1,224	1,316	1,292	1,498	1,232
Petty assault	407	264	248	311	291	215	210
Licence contravention	107	74	49	40	31	36	14
In possession of gaudia and opium	43	43	23	51	42	85	44
Receiving stolen goods	12	4	13	11	15	21	15
Adultery	2	10	14	20	6	10	7
Enticing away married women	6	12	6	7	2	4	—
Other petty offences	316	288	132	179	429	338	187
TOTALS	1,807	1,832	1,737	1,946	2,108	2,207	1,709

There is a reduction of 498 in the committals from this Court, as compared with 1864, or 22·5 per cent.

It will be perceived that the committals in 1865 were fewer than they were in any of the previous years referred to.

The reduction in 1865, as compared with 1864, is spread over all the items of the table, but it is smallest in regard to larcenies, the total reduction being 22·51 per cent., while on larcenies it is only 17·75 per cent. Still the larcenies in 1865 closely approximated those in 1860, 1861, 1862, 1863, those in 1865 having been unsually numerous.

On the other hand, it will be seen from the following table that the number of convictions for larceny were, in proportion to the total convictions, higher in 1865 than in any of the six years immediately preceding.

In 1859 the committals for larceny were	50·58	per cent. of the total.
„ 1860	63·15	„
„ 1861	70·46	„
„ 1862	67·62	„
„ 1863	61·29	„
„ 1864	67·85	„
„ 1865	72·08	„

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9. There has been a slight decrease in the number of juvenile offenders committed during the year, as compared with 1864: thus, in 1864 their average number was 15; in 1865, 11. The highest number locked up was 18, the lowest was 7.

This reduction is to be attributed to the removal of the vagrant class, among which many boys were included.

A large proportion of these boys are almost constant inmates of the establishment, and consequently a burthen on the public, with very little prospect of amendment, owing chiefly to the shortness of their sentences, and to their not being under reformatory discipline. There is but little prospect of their improvement until the law shall allow of their being kept in a reformatory for a lengthened period, say about three years.

An institution of this kind has recently been commenced, and it is hoped that in the course of 1866 it will be in full function, with the necessary alterations in the law.

10. The number of committals for debt was as follows:—

1862	48
1863	22
1864	54
1865	23

The reduction here is 31 in all, or 57·40 per cent. as compared with 1864.

11. The numbers who occupied the Detention House since 1862 were as follows:—

1862	69
1863	189
1864	339
1865	260

These numbers show a reduction of 79, or 23·30 per cent. as compared with 1864,—the decrease to be attributed to there not having been so many large bands of burglars committed for trial in 1865 as in 1864.

12. The statistics in the criminal cases which amount to felonies will be found in the chapter on Crime.

13. Of naval and military prisoners under sentences of courts-martial, there were committed—

In 1862	11
„ 1863	10
„ 1864	15
„ 1865	3

Military prisoners are only sent to this gaol when there is not sufficient accommodation for them in the military prisons, when they are discharged from the service with ignominy, or when they are sentenced to penal servitude.

Naval prisoners are those sent from ships of the Royal Navy when in the harbour of Port Louis.

14. The highest number of prisoners locked up on any one night during the year was 659; the lowest was 472.

15. The average daily locked up for the year was 562.

The following is the average lock-up for the last seven years, viz.:—

1859	467	1863	720
1860	584	1864	682
1861	714	1865	562
1862	698		

The accommodation estimated for the prisons, under a contemplated improvement in the arrangement of the cells (not yet carried out), is only 324. The above table shows that the average numbers locked up of late years considerably exceed the number for which there is sufficient space in the gaol.

16. The number of prisoners sent to the Civil Hospital for treatment in 1865 was 255, or 4·49 per cent. of the total number on the prison books. The per-centage in 1864 was 3·16, thus showing an increase of 1·33 in the numbers sent to hospital.

The daily average of attendance at the prison surgery, including those sent to hospital, was 11·54 persons, or 2·05 per cent. on the average lock-up.

The average attendance in 1863 was 11·78, or 1·63 per cent. of average daily lock-up.
„ 1864 „ 17·69, or 2·59 „
„ 1865 „ 11·54, or 2·05 „

The per-centage of sick sent to hospital was—

In 1863	2·71
„ 1864	3·16
„ 1865	4·49

The admissions to hospital are exclusive of trifling cases of sickness treated in the prison.

17. The deaths were 23, or ·41 per cent. of the total number on the prison books, being an increase of ·02 per cent. as compared with 1864.

The numbers of each class of prisoners who died were:—

Felons	10
Misdemeanants	7
Police Court	4
Debtors	1
Awaiting trial	1
	23

A comparison of those numbers with the periods of imprisonment of the deceased, shows, as in former years, that it is among the prisoners recently arrived that the mortality chiefly occurs, in consequence, evidently, of the poor physical condition in which they arrive. Thus the deaths were,—

Of those under 14 days' imprisonment - -	- 3
More than 14 days but less than 1 month -	- 3
More than 1 month but less than 3 months -	- 6
„ 3 months „ 6 „ -	- 1
„ 6 „ „ 12 „ -	- 1
„ 1 year „ 2 years -	- 7
„ 2 years „ 3 „ -	- 2
Total -	- 23

18. There were 10 men executed during the year 1865, against 3 in 1864. All of these executions were for murder, except one, which was for attempt at murder.

19. The punishments for prison offences are shown by the following comparative statement. They were solitary confinement, curtailing of rations, wearing chains, and floggings, viz.:—

	Solitary and other Punishments.	Flogging.
1859 - - -	- 13	0
1860 - - -	- 37	3
1861 - - -	- 45	4
1862 - - -	- 77	14
1863 - - -	- 151	8
1864 - - -	- 2,086	17
1865 - - -	- 2,012	51

The number of punishments awarded, though fewer in 1865 than in 1864, is still high—much higher than it would be in a properly constructed and well-governed gaol. It is, however, impossible to carry out the regulations in these prisons without the imposition of frequent, though light, punishments, owing to the temptation to evade, and opportunities the prisoners have of infringing the regulations,—temptations they cannot resist, and opportunities they avail themselves of when they can.

During the year several minor rules and regulations for the better discipline of the prisoners at work inside the walls were enforced, and it was for breaches of such rules that many of the punishments were imposed. The punishments on this account will no doubt decrease in number as the prisoners better understand the necessity for conforming to prison rule. A considerable number of these punishments were also imposed for idling or refusal to work, offences common to all prisoners.

The facilities with which forbidden articles of food, drink, and tobacco are obtained also increase the number of punishments, these articles being introduced in a way to baffle the care of the prison officers.

The great number of floggings in 1865 is to be attributed to the fact of two large bands of felons (19 in one and 14 in the other), and a smaller one of misdemeanants, having escaped from and used violence to the guards supervising them at out-door labour. Nearly all of these prisoners were recaptured within a short space of time, and sentenced by the committee to be flogged.

20. No escapes were effected from within the prison during the year. There were 77 escapes from out-door working parties, being five less than the number who escaped in 1864.

The following is a statement of escapes annually since 1859, viz.:—

In 1859 - - - 21	In 1863 - - - 104
„ 1860 - - - 44	„ 1864 - - - 82
„ 1861 - - - 51	„ 1865 - - - 77
„ 1862 - - - 93	

In consequence of the escapes of the felons, it was decided that none of that class should in future be sent to out-door labour. A marked reduction in the number of escapes has already followed this decision, and it is expected that escapes will be very much fewer in consequence.

21. The number of escaped prisoners recaptured and brought back is shown by the following, viz.:

In 1859 - - -	- 5 brought back.
„ 1860 - - -	- 20 „
„ 1861 - - -	- 33 „
„ 1862 - - -	- 54 „
„ 1863 - - -	- 41 „
„ 1864 - - -	- 43 „
„ 1865 - - -	- 55 „

22. During the year 403 fines, amounting to 339*l.* 6*s.* 8*d.*, were paid at the prison for prisoners, on account of the Municipal Corporation and of the Colonial Government.

23. The number of visits to convicted prisoners was 945; the number of visitors to them was 1,137.

24. The females prison, though not crowded to excess, as in 1864, had still more prisoners confined in it than the buildings and yard are calculated for:—

The highest number in 1864 was 57
Do. 1865 „ 39

The accommodation is sufficient for 25 only. There has not been the same improvement on this side of the prison as on the males' side as respects discipline. That improvement is necessary cannot be denied, but it is not to be expected with the present buildings and work-yard classification, being impossible in such a limited space. The woman confined for some simple contravention of municipal

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regulations—the girl on account of some quarrel, are in contact with the murderess, the prostitute, the drunkard, and the thief. All, convicted and unconvicted, mix daily together. There is no separate place even for female debtors. When such are in prison, they are confined in the male debtors ward, under (of course) a sub-matron. Neither are there proper means for keeping in order refractory female prisoners. On every occasion of such misconduct the female has to be removed to one of the cells for disciplinary punishment (all of which are in the ward for female prisoners), the matron keeping the key of the cell. It frequently happens that these refractories tear their clothes off, and become so violent as to require great force to convey them to the punishment cells, where they arrive nearly naked, sometimes entirely so, and exposed to the gaze of the male prisoners.

As there is not room in the female ward for the erection of a punishment cell, there are not at present means for remedying the evil thus noticed.

25. The following shows the amount and nature of remunerative and profitable labour performed by prisoners during the year, viz.:

REMUNERATIVE.

	£	s.	d.
Making nets	38	13	0¾
Making mats and mattresses	5	14	6
Tailors' work	3	14	4
Shoemakers' work	34	19	5
Basket making	1	0	6
Picking oakum	104	0	0
Carpenters' work	0	4	8
Macadam broken and sold	65	3	0
Female prisoners' work—sewing, &c.	9	12	0½
Out-door labour	647	19	7
Total for remunerative labour	911	1	1¼

Labour supplied for Public Works, but not paid for:

14,935 days' labour supplied to Local Board of Health of Port Louis, valued at 6*d.* per day	373	7	6
50,223 days' labour supplied to the Surveyor General's Department, at 6*d.* per day	1,255	11	6
Total value of prisoners' labour, exclusive of that required for prison purposes	2,540	0	1¼

26. The reimbursement in aid of the expenses incurred by Government amounted in all to 966*l.* 11*s.* 10½*d.* Beside this sum, there is due by the Municipal Corporation the sum of 60*l.* 3*s.* 8*d.* for work done for it inside the prisons, which sum will be ultimately recovered and paid into the Colonial Treasury in aid of expenses incurred.

27. During the year 1865, the attention of the Prison Department was directed to the question of the best kind of non-remunerative labour to be used either as a partial substitute for the kinds of work above noticed, or in addition thereto; and a system of shot drill was commenced and carried out to a considerable extent, especially among the felon class, on their being kept within the prison, as already mentioned.

The irksomeness of this employment, as compared with work in bands out of doors, has been strongly felt by the prisoners. The shot drill, with the silence which has been enforced among the prisoners during it, and the increased strictness of prison discipline, has, it is believed, gone far to make imprisonment extremely distasteful; and as the reins of discipline are being tightened by degrees, and more regularity and system is being enforced, this satisfactory result is likely to be increased.

The diminution in the number of prisoners already noticed may be attributable in part to these changes.

All these improvements are the work of Mr. Dempsey, the very able Inspector of Prisons, whose indefatigable and most intelligent performance of his duties entitles him to high praise.

The subordinate officers have also performed their duties in a satisfactory manner during the year. Two of them—Mr. Brant, the assistant keeper, and Mr. Chadwick, one of the turnkeys—deserve special mention for their efficiency.

28. In conclusion, I would take leave to refer to the Blue Book Report of last year on the Port Louis prison for a statement of its unfitness for a thorough system of penitentiary discipline. Happily, some of the evils which were pointed out in that and previous Reports have been diminished by the transfer of nearly all prisoners of the vagrant class; while the others it is believed will be abated on the removal of the juvenile offenders to the reformatory recently instituted. Ere long, too, the felon prison at Rivière du Rempart will be fit to receive the worst class of offenders. The prison of Port Louis will then be limited to offenders of the misdemeanant class, to those confined for police offences and for debt, and to prisoners committed for trial, for which purposes it will probably be found sufficient.

(Signed) W. G. DICKSON,
Procureur and Advocate General,
Chairman of Prison Committee, Port Louis.

Chambers, 21st July 1866.

Enclosure 6 in No. 18.

Encl. 6 in No. 18.

INSPECTOR GENERAL of POLICE to COLONIAL SECRETARY.

SIR, Grand River, N.W., Vagrant Depôt, 10th March 1866.

I HAVE the honour to forward the accompanying report of the Vagrant Depôt, including Reformatory and Hospital, for the year ending 21st February 1866.

In comparing this report with that of last year, it will be found that although the total decrease this year in the number of vagrants received is trifling—only 122—yet the decrease from Port Louis is very considerable, it being upwards of 1,200, thus leading to the conviction that vagrancy has met with a decided check here.

The punishments awarded by the visiting magistrate this year far exceed those of last, owing doubtless, in a great measure, to the prisoners received being in many instances released criminals, who, unwilling to return to the estates, are arrested as vagrants, sent to the depôt, where they refuse to work, &c., and as a matter of course punishment follows.

The number of sick in this return is also large. This does not appear to be attributable to any defects of a sanitary nature, but principally to the fact that many of the prisoners when admitted are, through debility, unfit for hard labour, and consequently come under the medical officer's hands almost at once.

The Reformatory for the boys was established here (*pro tem.*) on the 24th of August 1865; since then 273 boys have passed through it. They are instructed in reading and writing from 10 to 12 daily; for the remainder of the day they are employed at some sort of work or other in either the depôt or on the public works. The boys benefit, no doubt, more or less from the instruction given them, but much can scarcely be expected in this way, their periods of imprisonment being generally of too short duration to admit of deep impression. Their conduct has been good.

The buildings connected with the depôt are still in an unfinished state, and there seems to be little or nothing doing by way of completion at present. There is one circumstance operating seriously against discipline, which I beg you will specially bring under the notice of his Excellency the Governor. It would appear by paragraph 18 of the depôt regulations that the medical officer is at liberty to make his daily visit any time before 10 a.m. If this be a correct interpretation of that paragraph, I would strongly urge its reconsideration, because if the medical officer avails himself of this wide latitude given him, which he seems disposed to do, no regular systematic performance of the duties can be carried out.

I would suggest that the hour be definitely fixed, and that it be not later than 8 a.m.; occasional interruptions would take place, no doubt, from sudden calls elsewhere on the medical officer, but this cannot be helped.

If any arrangement could be made whereby the duties of the depôt might be assigned to the medical officer in charge of the Lunatic Asylum, it would be, I feel sure, of much advantage.

I have, &c.,
(Signed) P. MACDONALD,
Acting Inspector General of Police.

P.S.—The branch hospital attached to the depôt has afforded great relief to the depôt, and also to the Civil Hospital, especially to the latter during its crowded state this season.

(Signed) P. M.

Enclosure 7 in No. 18.

Encl. 7 in No. 18.

REPORT of the PROCUREUR GENERAL on CRIME.

THE annexed table contains a comparison of the crimes prosecuted before the Judges of the Supreme Court and a jury during 1865 and the preceding four years.

2. It shows a considerable diminution in the number of cases (66) brought to trial during 1865, as compared with those (72) in 1864, and an increase of only two over the cases (64) in 1863. A still more marked diminution in the number of persons prosecuted appears in 1865, and places that year in a favourable light as compared with either 1863 or 1864; thus:—

——	1863.	1864.	1865.
Number of cases prosecuted - -	64	72	66
Number of persons prosecuted -	199	196	135
Number of persons prosecuted, as compared with number of cases -	3,109	2,335	2,015

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3. The diminution in the number both of prosecutions and of persons prosecuted in 1865 is almost entirely applicable to cases of larceny with violence, consisting of burglaries (usually committed by armed gangs) and of highway robberies. The numbers of such cases were as follows:—

	1863.		1864.		1865.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Larcenies by night, with violence and breaking	16	106	19	111	7	24
Larcenies on highway with violence	2	3	5	26	3	18
TOTAL	18	109	24	137	10	42

4. There is every reason to believe that the diminution which these numbers indicate in the class of crimes referred to is real. This satisfactory result is attributable to the efficacy of the measures taken in 1864 for their repression, and to the safe keeping in prison of a large number of the most dangerous criminals of the predatory class. The number of these offences, however, is still great, and above what it was in 1861 or 1862.

5. On the other hand, the list for 1865 is swelled by an unusual number of aggravated larcenies, unaccompanied by violence, viz., larcenies by servants from their masters, and by offenders who had been repeatedly convicted before; thus:—

	1861.		1862.		1863.		1864.		1865.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Larcenies as above	1	1	1	3	2	3	2	2	8	12

6. In crimes of violence, including murder, manslaughter, and aggravated assaults, the cases in 1865 were rather below the average number, having been one more than in 1864, one fewer than in 1861 and 1862, and five fewer than in 1863. But the number of persons tried for these offences in 1865 exceeded that of any of the four previous years, except 1863; thus:—

	1861.		1862.		1863		1864.		1865.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Murders and attempts at murder	8	13	10	15	9	20	10	13	14	33
Manslaughter	5	6	6	6	5	19	1	1	2	2
Wounds and blows causing deaths	7	7	2	2	5	11	4	4	3	5
Wounds and blows causing sickness for more than 20 days	—	—	2	2	5	9	3	6	—	—
TOTAL CRIMES OF VIOLENCE	20	26	20	25	24	59	18	24	19	40

7. The unusual number of offenders of this class in 1865 arose from there having been in one case 13 men tried for and convicted of the murder of their master when overseeing them at work in the field. In 1863, when there was also a great number of persons tried, compared with the number of cases, a gang of nine prisoners was tried for murder and burglary, and were convicted only of the smaller offence.

8. While, however, crimes of violence generally were rather on the decline in 1865, the murders, both in regard to the number of cases and of persons concerned, were unprecedentedly numerous.

9. These heinous crimes were almost entirely confined to the Indian population, and, with the exception of the murder by a band of labourers already mentioned—which was a rebellion against a strict but apparently not unjust master—they were prompted by jealousy or other kindred feelings in regard to women.

10. The alarming number of crimes which spring from motives of this kind has been the subject of a full report by me, in which the indifference of the Indian population to death by hanging was dwelt upon. It is there mentioned, that while the suicides by Indians during the year 1864, and first 10 months of 1865, were 95 in number, no fewer than 86 of these were by hanging.

11. The indifference to a mode of death so much loathed by most Europeans is explained in the report referred to on the ground that most of the Indian races believe in the transmigration of the soul, incidental to which is a notion that if one dies tranquilly, without any severing of one part of the body from another, the passage of the soul after death into another animal takes place easily; whereas if any member, and especially the head, is separated, the transmigration is impeded, and the disunited portions of the body may search for each other for hundreds of years in another world.

12. As illustrative of this feeling, it is mentioned in the report referred to that cases have repeatedly occurred in which prisoners condemned to long imprisonment have expressed their desire to be hung, rather than complete their sentence; and in one very striking case, which goes to swell the list of 1865, an Indian tried for murder, and found guilty only of manslaughter, first endeavoured ineffectually to commit suicide in prison, and soon afterwards assaulted dangerously and attempted to murder one of the prison guards, with the avowed desire of being hung.

13. It is thus apparent that the mode of execution followed in most parts of Her Majesty's dominions is not effectual for checking murders by the Indian population, while, on the other hand, their religious belief inspires them with a horror for decapitation.

14. Accordingly, I have in the report above noticed urged the substitution of the latter punishment (being carried out by a guillotine) for hanging, in cases of Indians condemned to death; and that view has been concurred in by the Judges of the Supreme Court.

15. It is very desirable that the change should be made, in order to restrain, if possible, the Indians, who form now by far the largest class in the Colony, from those murders which are not only numerous, but are increasing in number among them.

16. The change, it may be added, would probably be in accordance, rather than otherwise, with the feelings of the majority of jurors, both on account of their French extraction, and because decapitation was till a few years ago (1851) the mode of carrying out sentences of death in the Colony.

17. With regard to other crimes, there was a diminution in 1865 as compared with 1864 in embezzlement, which is attributable to the frauds on the Savings Bank having occurred in the year last mentioned; on the other hand, forgeries have been more numerous in 1865 than in any of the four preceding years; thus:—

1861.		1862.		1863.		1864.		1865.	
Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
4	8	3	3	4	3	5	6	6	10

18. No reason can be stated for this change.

19. Cases of poisoning with a view to larceny have also been on the increase; thus:—

1861.		1862.		1863.		1864.		1865.	
Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	1	1	3	7

20. All of these were poisoning by seeds of Datura stramonii, a plant very common in the Colony, and which produces intoxication, and even temporary insanity. The punishments inflicted in 1865 have had a salutary effect in checking this crime.

21. A larger number of cases of arson also occurred in 1865, although fewer than in the two preceding years:—

1861.		1862.		1863.		1864.		1865.	
Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
6	6	6	6	8	11	9	11	7	7

22. Nearly all these cases were of Indians charged with setting fire to the huts of others of their class with whom they had had disputes, usually with regard to women. The same motive, however, which prompts to this crime on the one hand, produces false accusations of it on the other. It has thus repeatedly happened that when the hut of an Indian has been burnt from some accidental cause, the occupant, either believing that the fire had been set by one who had an enmity to him, or wishing to

profit by the fire to gratify his own feelings of revenge, has made up a case of arson against another of his class. Cases of this kind are frequently dismissed by the magistrates, or are withdrawn from trial by me, while juries acquit in a large proportion of the cases tried, suspecting, sometimes justly, that the case is concocted.

23. The statistics given above are upon the data of the crimes prosecuted before the Supreme Court and committals by magistrates for trial after preliminary inquiry; as will be afterwards noticed, a considerable proportion of the persons so tried have been acquitted, and some of the acquittals no doubt occurred when the accused was innocent. By far the larger proportion of acquittals is attributable to the uncertainty of trial by jury in a country where that institution is but little beyond its infancy, having only been introduced in the year 1850.

24. The proportion of persons acquitted to persons tried is as follows:—

1861.	1862.	1863.	1864.	1865.
·227	·323	·317	·331	·288

25. In comparing these numbers with the acquittals in countries such as England, where there is no public prosecutor, it must be borne in mind, that while in such countries every case of felony for which a true bill is found has to be tried, the public prosecutor in Mauritius takes care to present for trial only those cases in which he is satisfied that the guilt of the accused can be satisfactorily proved. The organization of the public prosecutor's office also tends to secure a larger proportion of convictions than would probably occur if the cases were prosecuted by private parties.

26. Making due allowance for these considerations, it is thought that the proportion of acquittals in this Colony is too great.

27. An Ordinance is in course of preparation for improving the making up of the Jury List, by which it is hoped the frequent presence of talesmen on the jury under the present law will be prevented. An Ordinance based upon the principles of the laws of Scotland and of France has also been passed recently for admitting children as witnesses in cases of violence to themselves, provided they are sufficiently intelligent to make a rational statement on the subject, although they may not be familiar with the nature of an oath.

28. It is hoped that these measures will prevent justice from being defeated so often as at present.

29. Another consideration with reference to the foregoing statistics is, that a larger proportion of crimes escape detection and punishment here than in the mother country.

30. This is the case more especially with regard to murders, for there is often the strongest suspicion that death occurred from foul play; but the rapid decomposition of the human body in a hot and, generally speaking, a moist climate, tends to efface the traces of crime. Frequently, too, the lower classes, and even other persons, impede rather than assist the detective police.

31. The frequency of suicides also among the Indians leads sometimes to crimes of violence escaping detection, under the pretence that the deceased destroyed himself.

32. The force of these observations will be seen from the fact that in 1865 there were, in addition to the cases tried, 14 cases of death believed to have been caused by foul play; but in none of these was the proof sufficient to bring the case to trial.

33. Another class of crimes which it is believed sometimes escape detection is arson. One cause of this has already been mentioned (paragraph 22). Some fires also, especially of late, have occurred under circumstances of strong suspicion that they were committed to defraud the Insurance Companies, but, owing to the ingenuity with which the plots have been arranged, no case of this kind has yet been brought to justice.

34. In thus noticing the crimes that escape detection I have no intention to cast any reproach on the detective police. On the contrary, it is but just to the force that I should add that it is extremely efficient, and that it affords as full protection to life and property as any police force could do in a country where the population consists of numerous races, differing in religion, habits, and language from each other.

(Signed) W. G. Dickson,
Procureur and Advocate General.

Chambers, 18th July 1866.

RETURN OF CRIMES

Prosecuted before the Supreme Court from 1861 to 1865 inclusive.

	1861.					1862.					1863.					1864.					1865.				
	Prosecutions.		No. of Persons acquitted.	No. of Persons convicted as charged.	No. of Persons convicted of lesser offence than charged.	Prosecutions.		No. of Persons acquitted.	No. of Persons convicted as charged.	No. of Persons convicted of lesser offence than charged.	Prosecutions.		No. of Persons acquitted.	No. of Persons convicted as charged.	No. of Persons convicted of lesser offence than charged.	Prosecutions.		No. of Persons acquitted.	No. of Persons convicted as charged.	No. of Persons convicted of lesser offence than charged.	Prosecutions.		No. of Persons acquitted.	No. of Persons convicted as charged.	No. of Persons convicted of lesser offence than charged.
	No. of Cases.	No. of Persons.				No. of Cases.	No. of Persons.				No. of Cases.	No. of Persons.				No. of Cases.	No. of Persons.				No. of Cases.	No. of Persons.			
Crimes against Individuals.																									
Murder, and attempt to murder	8	13	2	1	10	10	15	4	4	7	9	20	6	2	12	10	13	5	5	3	14	33	1	*27†	5‡
Manslaughter	5	6	2	3	1	6	6	2	2	2	5	19	–	1	18	1	1	1	–	–	2	2	–	2	–
Wounds and blows causing death, but without intention to kill	7	7	1	6	–	2	2	1	1	–	5	11	–	9	2	4	4	1	3	–	3	5	–	5	–
Wounds and blows causing sickness of more than 20 days	–	–	–	–	–	2	2	–	2	–	5	9	6	3	–	3	6	2	4	–	–	–	–	–	–
Involuntary homicide from carelessness	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	–	–
Poisoning (not fatal) for purposes of larceny	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	1	–	3	7	4	3	–
Rape, and attempt, &c.	2	3	2	1	–	2	2	1	1	–	4	8	2	6	–	2	3	1	2	–	2	2	1	1	–
Bigamy	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	–	–	–	–	–	–	–
Exposing infant	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	3	3	–	–
Unnatural crimes	2	3	1	2	–	2	2	1	1	–	2	4	2	2	–	2	2	1	1	–	2	2	1	1	–
Perjury and subornation	–	–	–	–	–	1	2	–	2	–	1	1	–	1	–	1	2	2	–	–	–	–	–	–	–
Placing stones on railway	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–
Defamation and slander	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	1	–
Crimes against Property.																									
Larceny with violence to persons, with breaking at night	6	24	–	24	–	5	24	8	15	1	16	106	38	67	1	19	111	37	64	–	7	24	12	12	–
Larceny on highway, with violence	1	2	–	2	–	–	–	–	–	–	2	3	1	2	–	5	26	13	13	–	3	18	4	14	–
Larceny without violence—domestic larceny	1	1	–	1	–	1	3	1	2	–	2	3	2	1	–	2	2	–	2	–	8	12	3	9	–
Receiving stolen property	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	4	6	3	3	–
Embezzlement	1	1	–	1	–	1	1	–	1	–	–	–	–	–	–	4	4	2	2	–	1	1	–	1	–
Forgery	4	8	6	2	–	3	3	1	2	–	4	3	1	2	–	5	6	1	5	–	6	10	3	7	–
Swindling, extortion, &c.	–	–	–	–	–	–	–	–	–	–	1	1	1	–	–	2	2	–	2	–	–	–	–	–	–
Malicious damage to property	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	1	–
Arson	6	6	1	5	–	6	6	3	3	–	8	11	4	7	–	9	11	8	3	–	7	7	3	4	–
	43	74	15	48	11	41	68	22	36	10	64	199	63	103	33	72	196	75	108	3	66	135	39	91	5

* Of which 10 were executed. † One individual twice tried for two distinct crimes—one of murder, the other of attempt to murder. ‡ One individual found insane.

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Encl. 8 in No. 18.

Enclosure 8 in No. 18.

PROCUREUR GENERAL'S REPORT ON LEGISLATION.

Several important laws were enacted in the year 1865.

No. 9.

"An Ordinance to repeal Ordinance No. 20 of 1861, and to make Provision for repairing and "extending the Quays in the Harbour of Port Louis."

2. On the institution of the Municipal Corporation of Port Louis in 1850, certain items of the general revenue of the Colony were transferred to the town for its corporate purposes, and among these one half of the quay dues, then leviable on both exports and imports at Port Louis. Shortly afterwards, the export duty having been abolished, the other moiety of the dues, then import only, was transferred to the Corporation.

3. These dues, as their name indicates, were certain duties levied on goods landed at the harbour of Port Louis, their pristine and proper object being to furnish means for keeping up and extending the quays. Accordingly, when the second moiety of them was transferred, it was on the condition that the Corporation should perform these obligations; and the Ordinance making the transfer expressly provided that the Corporation should keep the quays in repair. The duty of extending them, however, was not introduced into the law, apparently on account of its vague nature, and of there being no proper means of enforcing it.

4. During the 14 years that followed the transfer, the Corporation, while keeping the quays in repair, never took any measures for their extension, although that was necessary for the greatly increased trade of the port. Among other reasons for their inaction, they pleaded that they could not extend the quays on account of the adjoining land being either Crown or private property, and on account of their having no power to encroach or interfere with the harbour.

5. The mercantile body having in vain pressed their interests on the Corporation, at last urged the Government to deal with the subject in the interests of the community.

6. After frequent but futile efforts on the part of the Government to lead the Corporation to concur in measures for effecting the object desired, the present Ordinance was passed, placing the matter on a footing which the Government and Council considered just to the conflicting interests of the Corporation and the general public.

7. Its provisions are a re-transfer of the quay dues to the Crown; the municipality receiving from the general revenue 9,000*l.* a year as compensation, and the Government undertaking the duty of both keeping up and extending the quays. At the same time, the control and police of the quays, formerly vested in the Corporation, was transferred to the Government, which was also vested with power to acquire land for the extension of the quays, on payment of proper compensation.

8. At first the partisans of the Municipal Corporation cried out loudly against the measure as a violation of its rights, but the municipal body itself accepted it as a satisfactory settlement of the question, and the Ordinance was passed without any remonstrance on their part.

9. It has been confirmed.

No. 29.

"An Ordinance to amend the Law as to Hospitals and Medical Attendance for Persons under "Contracts of Service."

10. Shortly before the passing of this Ordinance it was ascertained from returns by the stipendiary magistrates that the duty of employers to provide proper medical attendance and hospital accommodation for their labourers was not properly fulfilled.

11. It appeared that on some estates hospital accommodation was either wanting or was quite inadequate, while on others the so-called hospital was used for other purposes. The estates provided with proper hospitals were rare exceptions.

12. The medical attendance, again, on many estates, each employing several hundreds of labourers, was limited to occasional visits of a practitioner when called in, as he rarely was, considering the average number of sick. In but few instances, even of the largest estates, was the attendance regular, still more rarely was it more frequent than once a week.

13. It also appeared that no proper provision was made for medical attendance on the women and children of the labourers, although generally these were understood to be under the care of the medical man who visited the estate.

14. To remedy this state of things an Ordinance was introduced, which, after some modifications in commitee, passed the Council.

15. It makes it obligatory on all persons having 30 or more servants in their employment to have hospital accommodation for them.

16. It then prescribes rules for the hospitals as to site and construction, number of beds in proportion to the labourers engaged, the providing of medicines and hospital attendants, &c., and it requires additional hospital accommodation to be furnished on the outbreak of epidemic disease among the labourers.

17. Compliance with these requirements is enforced by penalties (§ 8), and by entitling the servant to have his engagement broken if the non-compliance continues.

18. Much difficulty had formerly arisen from the unwillingness of the Indians to go to hospitals for treatment; and the Ordinance of 1845 (No. 6) practically frustrated the efforts of masters to make them do so. Indeed, the bad state of the hospital accommodation on estates was often excused on the ground that the men absolutely refused to go to hospital.

19. Both masters and medical men urged that such a state of the law rendered it impossible successfully to treat the labourers, especially in cases of epidemic and contagious disease, while its continuance would frustrate all the good contemplated by the improvements in hospital accommodation.

20. Power has accordingly been conferred on masters, on the written requisition of the medical attendant on the estates, to compel those who are suffering from epidemic or infectious disease to go to hospital. The refusal of labourers to do so in other cases is to be regarded as illegal absence (§ 10).

21. The Ordinance next requires every employer of 30 men or more to have a medical practitioner regularly engaged to attend them; and it fixes the number of visits to be paid by the attendant periodically, in addition to occasional visits when necessary. It also provides for the keeping of regular hospital registers.

22. Proper payment of the attendants is then secured (Arts. 19, 21, 22), and the duty of giving medical assistance to the wives and children of the labourers is laid on them (§ 20).

23. For securing compliance with the several provisions of the law, inspecting medical officers, paid by and responsible to the Government, are to be appointed, with powers of inquiry and inspection (Arts. 23, 25).

24. These are the main provisions of a law which was much required, and which, although the draft of it was at first opposed by the planting interest, has been accepted by the Colony generally as a measure of real public benefit. It has been confirmed by Her Majesty.

No. 7.

"An Ordinance to secure the Rights of New Immigrants under Contracts of Service with Job "Contractors, and to extend the Jurisdiction of Stipendiary Magistrates to Claims for Wages "founded on Guarantee."

25. The laws on Indian immigration had been made on the footing of the labourers being engaged directly to the owners of the estate on which they worked. But by degrees a class of middlemen, called job contractors or job planters, sprung up, by whom bands of labourers were engaged for employment on estates of other persons who required labourers beyond the number permanently engaged to them.

26. An industry of this nature is not merely lawful, but is often useful to the regular employers of labour. But it is open to considerable abuses, one of the most important being the want of security to the labourers for their wages, rations, &c., owing to the job planters being almost invariably men without capital.

27. To provide against the evil, Government had in 1856 issued a circular calling on the stipendiary magistrates not to engage any labourers to job contractors without the guarantee of the owners of the estate on which the men worked.

28. This action of the Executive, however, was, on the one hand, too strong a measure, as it interfered with the freedom of contracts between persons not within its tutelage, while, on the other hand, it was not strong enough, because it did not provide means for keeping up the security in cases where it was really required.

29. Such interference was not desirable in regard to old immigrants who, having repaid the cost of their introduction by five years' industrial residence in the Colony, had become free to engage themselves to whomsoever they chose, and on whatever terms they could secure for themselves, and whose acquaintance with the Colony usually enabled them to protect their own interests in such matters.

30. But Government interference was necessary on behalf of the new immigrant, who is wisely regarded as under its special protection or tutelage.

31. The present Ordinance accordingly requires that when immigrants of this class are engaged with job contractors, the proprietors of the lands on which they work shall guarantee their wages, rations, &c.

32. It also gives to all servants serving with job-contractors the same lien for their wages, &c., over the estates on which they work, as is enjoyed by servants engaged to the proprietors.

33. An improved arrangement for the recovery of labourers' wages from the surety completes this Ordinance, the provisions of which are advantageous to a large class of labourers. The Ordinance has been confirmed.

No. 28.

"An Ordinance to declare that Ordinance No. 16 of 1862, intituled 'An Ordinance to authorize "'Engagements of Indian Immigrants to be made for Five Years, and to declare and "'amend in certain other respects the Law regarding Indian Immigrants in the Colony,' is still "in force."

34. Owing to an accidental oversight, one of the most important of the laws on Indian immigration (No. 16 of 1862, which authorized five years' engagements to be made with Indian immigrants, and amended in other respects the law on this class of labourers) had not been formally confirmed by Her Majesty within the three years prescribed by the Royal Instructions.

35. The question thus arose, whether the law had lapsed from want of confirmation, or had been kept in force by certain Despatches which the officer administering the Government at the time had received, approving of its provisions without formally confirming it.

36. A decision of the Supreme Court of the Colony in the year 1845 was in favour of the latter view. Still it was evidently inexpedient to leave so important a matter in doubt, and the present Ordinance was therefore passed, declaring that the law of 1862 had remained in force, and that all that had been done under it was valid.

37. In considering this question the attention of the Government was called by me to the unsatisfactory position in which the Colony stands regarding the powers of its Legislative Council, owing to

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the rules on that important subject not being contained in any public law, but in the Royal Instructions issued to the Governors of the Colony.

38. On the creation of the Legislative Council, in the year 1825, the Royal Instructions with regard to it were published. Since then a succession of instructions, each repealing the instructions previously issued, have been given to subsequent Governors; but none of these appear to have been published for general information.

39. With one exception the changes which they contained on the original instructions of 1825 were important. The exception was in the case of the present Governor, whose instructions dispense with the necessity which had previously existed for a local law being confirmed by Her Majesty within three years, the want of which confirmation, or at least of Despatches conveying Her Majesty's pleasure on the law, had previously caused the Ordinances of the Colony to lapse.

40. In order to inform the public of so important an extension of the powers of the Local Legislature, a notice on the subject has been published in the Government Gazette in the month of December 1864.

41. It is considered, however, that a matter so fundamentally important to all questions regarding the validity and effect of the laws of the Colony should not be allowed to remain on its present footing, and that the powers of the Council of Government should be defined in a constitutive law, passed either by Parliament or (what is probably better) by Her Majesty in Council.

No. 18.

"An Ordinance to amend the Law regarding Contracts of Service with liberated Slaves landed in "Mauritius or Seychelles."

42. This law was passed in consequence of the prospect of a considerable number of liberated Africans being landed in the Seychelles Islands by cruizers engaged in suppressing the Slave Trade.

43. Under the Royal Order in Council of 7th September 1838 these persons may not be engaged in ordinary service for more than one year, a period insufficient to remunerate their employers for the sums they have to pay Government on their engagements, on account of the cost which the Government incurs on their behalf.

44. Engagements for periods beyond a year had, indeed, been authorized by several Despatches of the Secretary of State; while the younger Africans might be bound as apprentices under the powers conferred by the Order in Council referred to.

45. This state of things led to the passing of the Ordinance No. 18, which has placed liberated slaves on the same footing as Indian immigrants with regard to the periods of engagement and other incidental matters.

46. Provision is also made for conveying to Mauritius any liberated Africans landed at the Seychelles Islands, and not required by employers there.

47. The Ordinance has been confirmed.

No. 10.

"An Ordinance to amend the Law regarding the Government Savings Bank."

48. Since the creation in 1836 of the only Savings Bank in the Colony, its operations had extended so considerably that the arrangements originally made regarding it were no longer suitable. The present law was passed for removing it from the Colonial Treasury, of which it had previously formed an appendage, and making it a separate department, and for introducing the improvements in matters of detail in the institution which experience recommended. The previous laws on the subject, so far as applicable, were reproduced in the Ordinance, which contains the whole of the local law on the Government Savings Bank.

No. 14.

"An Ordinance to provide for the Distribution of Roman Catholic Parishes for Ecclesiastical "Purposes."

49. The Ordinance No. 20 of 1857 empowers the Bishop of Mauritius to divide the Island into convenient districts as parishes *quoad sacra* of the Church of England.

50. By the Ordinance No. 14 of 1865 a similar power is conferred on the bishop or other chief ecclesiastic of the Roman Catholic Church in the Colony to constitute districts or parishes *quoad sacra* in connection with that church.

No. 5.

"An Ordinance to enable the Chief Clerk in the Immigration Department to act in the Absence "of the Protector of Immigrants."

No. 11.

"An Ordinance to provide for the Performance of the Functions of the Civil Commissioner of "Seychelles in case of the Death, Incapacity, or Absence of that Officer."

No. 16.

"An Ordinance to remove Doubts as to the Legality of certain Acts by the Chief Clerk to the "Master of the Supreme Court, and to make Provision for the Performance of the Duties of "the Master in case of Absence."

51. These Ordinances were passed in order to provide for the duties of certain important departments being performed in case of absence of the officer entrusted with them. By No. 5 the chief

clerk of the immigration department is enabled to act in place of the Protector of Immigrants. No. 11 authorizes the Governor to issue a latent appointment of Civil Commissioner at Seychelles, to be available on the death, incapacity, removal, or absence of that officer. And No. 16 empowers the Governor to appoint a substitute to the Master of the Supreme Court in case of absence.

52. The last-mentioned Ordinance further validates all acts which had been performed by the chief clerk of the Master, performing the Master's duties in his absence, under a rule of Court of the year 1857, which had authorized him to do so, but which in the opinion of the chief law advisers of the Crown, both in England and in the Colony, was *ultra vires* of the Court, and therefore illegal.

53. All these Ordinances have been confirmed.

No. 12.

"An Ordinance to remedy certain Defects in Acts of the Civil Status for the Seychelles Islands, "Dependencies of Mauritius."

54. This was an Ordinance of a similar nature. It authorizes the officer of the Civil Status of Seychelles to complete certain entries in the registers of births, deaths, and marriages, which his predecessor had left without proper authentication.

No. 4.

"An Ordinance to authorize the Governor to appoint Poor Relief Committees, when they shall "not be constituted by way of Election."

55. The system of elective Poor Law Boards, which was introduced into the Colony in 1853, beside being unsatisfactory in general, proved a failure in the important respect that the ratepayers often failed to meet and elect a Board.

56. Special Ordinances (viz., Ordinances Nos. 9 of 1863, 3 of 1864) had been passed on two occasions in order to meet such cases. Their recurrence rendered it necessary to enact the present Ordinance, authorizing the Government in all cases of a Poor Relief Board not being duly elected to constitute one by nomination. These nominative Boards continue in function until replaced by Boards elected according to the law of 1853.

No. 18.

"An Ordinance to extend the Powers of Boards of Health to borrow Money on the Security "of their Rates."

57. Under the previous law (No. 18 of 1866) the Local Boards of Health could only borrow money for construction of permanent works, and "on the outbreak and during the prevalence of epidemic "disease." But such powers could not be exercised in order to provide precautionary measures against the outbreak of such disease, however imminent the danger of its advent might be. The Ordinance No. 18 has extended the powers of the Boards of Health to borrow for the latter purpose.

No. 19.

"An Ordinance to explain and amend certain Provisions of Ordinances Nos. 10 and 15 of 1864, "regarding the borrowing of Money for the Construction of Railways in the Colony, and the "Investment, by the Commissioners of Currency, of Money in their Hands in Securities of "the Mauritius Government."

58. This law was passed in order to clear up a doubt which had been raised by the Secretary of State regarding certain investments which the Currency Commissioners of the Colony had made in debentures of the Mauritius Government.

59. It has placed these securities on a proper footing, and provided a sinking fund in order to meet any eventual diminution in their value.

No. 3.

"An Ordinance to increase the Number of Ushers of the Supreme Court, and to amend the Law "as to their Appointment and Discipline."

60. Owing to increase in the business of the ushers (*Anglicè* bailiffs) of the Supreme Court, it was found necessary to authorize their increase from 12 to 18. At the same time it was thought desirable to vest the Judges with the right of presentation to an office in the proper performance of the duties of which they have an important public interest. The Ordinance No. 3 secures these objects, and defines the powers of the Court as to measures for securing discipline among the ushers.

No. 21.

"An Ordinance to constitute the Protestant Benevolent Institution into a Corporation."

61. This was of the nature of a Private Statute, constituting into a corporation a charitable society called the "Protestant Benevolent Institution."

62. The passing of this measure showed the necessity for powers being conferred on the Governor to grant charters of incorporation to societies for religious, scientific, charitable, and other similar objects, the law of the Colony limiting the Governor's powers in such matters to "sociétés anonymes," or joint stock companies, or limited liability. A measure of this nature will soon be introduced.

63. The remaining Ordinances for the year 1865 were for the usual financial objects, and do not require to be specially mentioned.

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64. In conclusion, I would observe that the business of the Local Legislature continues to be performed in a spirit of cordial co-operation and assistance towards the Government, and with an entire absence of party spirit or opposition. Indeed, this important part of the colonial institutions may be said to work most satisfactorily.

(Signed) W. G. DICKSON,
Procureur and Advocate General.

Chambers, 18th July 1866.

Encl. 9 in No. 18.

Enclosure 9 in No. 18.

NOTES in connection with the RETURN of REVENUE, EXPORTS, and POPULATION for the years 1833 to 1865.

The following notes may be found useful by his Excellency. They do not profess to give a complete history of immigration, but they may serve as a guide to the laws and other documents in which that history is recorded.

From 1834 to 1842, Indian labourers were introduced from time to time under special permits from the Government, but at the expense of private parties. Between the passing of the Indian Act 5 of 1837 and the publication of the Order in Council of 7th September 1838 (see Proclamation of 11th March 1839), they could be engaged in India for five years, but after the 11th March 1839 they could only be engaged for one year, and not till after their arrival in the Colony. This system of private introduction was continued, with one or two interruptions, until 1839, when the Indian Government passed an Act, No. 14 of 1839, declaring that after the 1st July of that year emigration from India would be unlawful.

On the 15th January 1842 an Order in Council was passed, ordering that, "in the event of any "law being made in British India authorizing the immigration to Mauritius of the natives of India, "and repealing the restrictions" then "in force there with regard to such immigration, and in the "event of any such law enabling the Governor General of India to appoint at the several ports of "embarkation in India officers charged with the protection of persons emigrating from such ports to "Mauritius," certain rules and regulations specified in a schedule attached to the Order should have the force of law in Mauritius.

The schedule alluded to provided for the appointment of emigration agents in India, and a Protector in Mauritius, regulated the number of emigrants to be carried in each Coolie ship, and the diet to be provided on the voyage, &c. &c., and declared that no emigrant should be capable of entering into a contract of service for at least 48 hours after his landing in Mauritius.

An Act was passed in India as contemplated (Act No. 15 of 1842), and, in anticipation of it, an Ordinance, No. 7 of 1842, was passed here setting apart certain duties on spirits "for the payment "of the expenses attendant on the passage of Indian labourers coming to Mauritius and those "returning to their country, who are entitled to a free passage, as also to that of all other expenses "consequent on immigration."

The new system of immigration for which provisions were thus made came into force in 1843, under Ordinances No. 11 of 1842, and No. 3 of 1843; it still left the introduction of Coolies in the hands of private parties, but an indemnity of 6*l.* to 7*l.* was paid from the public funds to the introducer of every male immigrant lawfully brought into the Colony, which indemnity was subject to increase in proportion to the number of females introduced. It was further provided, that at the expiration of five years' industrial residence in the Colony, or at any other subsequent period, the immigrant should be entitled to a return passage at the public expense, provided that he re-engaged for at least one year after the expiration of his first contract of service, which could still, as before, be of only a year's duration; and it was further enacted, by Ordinance No. 22* of 1847, that if any immigrant wished to leave the Colony at his own expense, before completing five years' industrial residence, he should pay a commutation tax at the rate of 1*l.* 10*s.* per annum for any number of calendar months wanting to make up the term.

This system† continued until 1851, with occasional modifications in points of detail (see Ordinances Nos. 25 and 26 of 1848, and 3 and 5 of 1849), of which the only one of present importance is the permission given by Ordinance No. 3 of 1849 to enter into contracts of service in the Colony for three years.

By Ordinance No. 9 of 1851 a regular system of immigration, conducted by the Government, was organized. The Governor was to determine annually, according to the number of immigrants intended to be introduced, the number of such immigrants which each employer should be allowed to engage without additional payment. This additional payment was increased by Ordinance No. 15 of 1854, and in the following year an Ordinance (No. 12 of 1855) was passed regulating the private introduction of immigrants in such a manner as to admit of the two different systems being worked simultaneously, as they continued to be until the passing of Ordinance No. 22 of 1857.

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* Prior to the date of this enactment there was no guarantee that the Indian would remain in the Colony long enough to compensate for the cost of his introduction. It is said that 2 per cent. of the whole number that arrived in 1843 and 1844 left the Colony before the close of the latter year.

† That is to say, the law remained unaltered; but from the middle of the year 1844 some 6,000 immigrants were introduced annually by the Government, and allotted to planters on their arrival; and the practice seems to have virtually superseded the private introduction of immigrants long before Ordinance No. 9 of 1851 came into operation.

The number of immigrants introduced by private parties under the bounty system between November 1842 and May 1844 amounted to 41,163.

The causes of the failure of this system, and the manner in which it was proposed to remedy them by Ordinance No. 22 of 1857, are thus described in a Despatch from the Secretary of State, dated 17th October 1857, No. 53:—

"The Ordinance No. 12 of 1855, in order to encourage private persons to import immigrants at "their own expense (though through the agency of Government), provided that any planter might "despatch, through the immigration agent at Mauritius to the emigration agent at Calcutta, a requi- "sition for extra immigrants to be introduced at the expense of the requisitionist, which immigrants "would accordingly (subject to certain conditions) be allotted to him on their arrival.

"It appears by the report of the Immigration Committee of the Chamber of Agriculture that the "latter Ordinance has become a dead letter, obviously because the terms on which it enables planters "to get an extra number of immigrants are less advantageous to him than those held out by the "Ordinance of 1854. And the immigration agent, in a report which is not sent home, states that "the effect of this latter Ordinance is to aggravate the evils notoriously arising from the keenness with "which planters compete for the services of immigrants.

"The Legislative Council accordingly has passed an Ordinance repealing the 6th and 7th clauses "of the Ordinance No. 15 of 1854, and making provisions analogous to those of No. 12 of 1855, "which, however, it leaves in force.

"The Ordinance provides that any person who chooses to pay to Government the cost of introducing "any newly arrived immigrant, and of a proportionate number of females, may have these people "allotted to him out of the Government immigration, over and above his quota; and that if the "immigrants leave him at the end of their three years' engagement he will be entitled to receive any "tax paid to the public on account of those immigrants during the two last years of their industrial "residence, amounting to not less than 30*s.* or more than 60*s.*"

Immigration from the territories of the East India Company having been temporarily suspended in 1856, in consequence of alleged defects in the quarantine system, an Ordinance was passed (No. 23 of 1857), regulating the introduction of immigrants from territories not under the government of the East India Company, but, as the suspension was removed in June 1857, little, if any, action has been taken under this law.

The circumstances that led to the next great change in the immigration system, viz., the authority given by Ordinance No. 30 of 1858 to engage immigrants in India for three years, are fully detailed in Governor Stevenson's Despatch, No. 22 of 1858, and the way was prepared by the same Despatch for the introduction of the system of five years' engagements, which were authorized to be made in India by Ordinance No. 16 of 1862, and in Mauritius by Ordinance No. 18 of 1864.

I have, &c.,

(Signed) E. Douglas,
Assistant Colonial Secretary.

SEYCHELLES.

No. 19.

No. 19.

Copy of a DESPATCH from Governor Sir Henry Barkly, K.C.B., to the Right Honourable Edward Cardwell, M.P.

(No. 204.)

Sir, Mauritius, 29th August 1866.

I have the honour to transmit the Annual Statistical Returns of the Dependency of Seychelles, together with a letter from the Civil Commissioner, which, though dated 30th May, did not reach me (in consequence, probably, of the mail steamers discontinuing to call there on the voyage down from Aden at this season of the year) until the 6th instant, too late to accompany my Despatch forwarding the Blue Book of Mauritius.

2. Mr. Ward's Report is so full and so ably written, that but few remarks from myself seem requisite. He shows the position of affairs to be satisfactory; the value of exports, though still under 30,000*l.*, to be rising, especially as regards cocoa-nut oil, and the population to be increasing from natural causes.

3. He likewise describes the construction of the road across Mahé, the chief Island, begun some time ago, as already productive of advantage, and its chief town as rapidly improving, owing to this circumstance and to the number of men-of-war and other ships resorting to Port Victoria.

4. With regard to Revenue, as almost all the goods consumed are imported duty-paid from Mauritius, no authentic data exist for deciding the much-vexed question of whether the Seychelles group is a burden to the mother Colony or not; but accepting Mr. Ward's calculations as correct, and adding the 1,460*l.* which (including goods ex steamer) he claims, to the receipts on account of General Revenue, it would appear from a return which I have had made up from the books here, that the Revenue of this

Seychelles.

Dependency has during the past year covered its expenses, including the sum of 300*l.* appropriated to the completion of a hospital.

5. This result is highly creditable to Mr. Ward, as it is undoubtedly a great improvement on the state of things which existed when his administration began, and it is, on the whole, so satisfactory that I shall be at length able to avail myself of the permission, long since granted by Her Majesty's Government, to apply to Council at the first fitting opportunity to make some provision for the Roman Catholic clergy. Hitherto, three priests have been labouring zealously at Seychelles, supported solely by their flocks, and exposed consequently to much privation; but I shall be very glad to propose for them stipends equal to what they would receive in Mauritius, and I do not anticipate, as matters stand, much objection to the proposal.

6. Mr. Ward considers that the consumption of rum would be larger, and that the local production would be encouraged, if the rate of duty (5*s.* 6*d.* per gallon) were reduced, but there would be both difficulty and danger to the Revenue in Mauritius if a lower rate were imposed in the Dependencies; and looking to the fact that a considerable proportion of the consumption at Mahé must be ascribed to the crews of Her Majesty's ships, it may be doubted whether it would be desirable on moral grounds to make that spirit too cheap; on the other hand, it is worthy of consideration whether the manufacture of the deleterious fermented preparation of cane juice, which he describes as competing with distilled spirits, ought not to be checked by law.

7. It still remains to take final steps for setting at rest all questions with the Crown in this Dependency as to titles to landed property, but I am afraid this cannot be done until the Surveyor General has had the opportunity of paying it another visit, and conferred personally with the Civil Commissioner on the subject.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) HENRY BARKLY.

Enclosure in No. 19.

Enclosure in No. 19.

Civil Commissioner, Seychelles, to His Excellency the Governor.

Sir, Civil Commissioner's Office, Seychelles, 30th May 1866.

I have the honour to forward herewith the annual returns required for the Blue Book.

2. Your Excellency will be pleased to observe that there is again an increase in the exports for 1865 over those for 1864. The trade in cocoa-nut oil is steadily thriving, and upon this trade the prosperity of the Islands in a great measure depends. The total value of the exports amounts to 27,313*l.*, showing an increase of 3,890*l.* over those for 1864. Of this total, 20,133*l.* is derived from cocoa-nut cultivation. The price of oil keeps steady; and as many new plantations are rapidly coming into bearing, and large tracts of available land are being brought under cultivation, further prosperity and a heavier export of oil, may be confidently anticipated for 1866.

3. The demand for vacoa bags still increases, and an export trade in them has commenced with Zanzibar and with Johanna. The value of those exported in 1865 amounts to 3,594*l.*, and there is no reason for supposing that the demand can ever exceed the supply. The cost of cultivating the vacoa is extremely small, and it grows well in almost any kind of soil.

4. Trade in tobacco has considerably diminished, owing to the cessation of the civil war in America, and also to the very inferior quality of some of the importations to Mauritius. In timber hardly anything has been done for some time past, except as regards the supply of spokes and naves for wheels. No timber now remains upon the plateaux at the base of the hills, and the cost of transporting that still growing on the crests of the mountains is so great that it would not be worth while cutting it. It is, besides, most desirable that it should remain standing in order to attract the clouds, and ensure to the Islands a sufficiency of rain.

5. Tortoise-shell has slightly advanced, but the major portion of the shell exported has been brought from a long distance, from the Islands close to the Comoros and Madagascar, which can hardly be said to be connected with the Seychelles group.

6. In almost all the minor items of export a falling off will be observed, the inhabitants finding it more to their advantage to cultivate cocoa-nuts on a proper principle, or to occupy themselves with legitimate commerce, although in a small way.

7. The amount of duty received for rum has slightly advanced, but is still lower than in 1863. Although this apparently decreases the Revenue of the Dependency, yet the amount of spirits imported from Mauritius more than counterbalances the difference, taking into consideration the duties levied in Port Louis. According to calculations based upon the manifests of all the vessels which came into this port from Mauritius during 1865, the duties upon wines and spirits brought to Seychelles amounted to 563*l.*, and the total duties upon all imports to 1,168*l.* This does not include the duties upon goods brought here by the mail steamers, which amount to about one fourth more.

8. For the past three years only one still has been at work in the Dependency, and this one for only six months in each year. The heavy duty on rum and the high price now charged for it in retail has caused a marked difference in the amount of its consumption, which a slight reduction in the duty would

obviate. At present the poorer classes have recourse to a villanous substitute, which goes by the name of "bacca," the expressed juice of either the sugar cane or the pine apple, allowed to ferment for two or three days, and then mixed with a peculiar berry called "jambrovat," which is strongly impregnated with narcotic poison. The effects of taking too much of this mixture are most injurious and stupifying, far more so than are the effects of drinking properly distilled rum. Unfortunately, too, for the people the law cannot prevent the manufacture of this most deleterious decoction, though it can prevent its sale, But this is easily and constantly evaded; and large quantities are made in the outlying districts, where it is impossible for the police to exercise much supervision. Were its manufacture made contrary to law, and the duty on rum reduced, the consumption of the latter would increase,—no loss would accrue to the Government, and encouragement would be given to the actual manufactures of the Islands.

9. But little decided change has taken place in the aspect of the Dependency during the past year, but everything may be said to be thriving, and scarcely any real poverty exists in any of the Islands. Commerce has greatly advanced, and many new shops have been opened. Coal has been introduced, and a regular and ample supply kept up for vessels touching at this port. Cotton to some extent has been exported to England viâ Zanzibar, and its cultivation throughout the country is steadily increasing. Owing to the inferior machinery used for cleaning the cotton sent to England, it had lost much of its value, and did not fetch at all a proportionate price to what was expected from a valuation of the uncleaned samples. With better appliances, about fourpence per pound more might have been obtained for it at home. The gins now in use had nearly destroyed the original staple.

10. The town of Port Victoria has greatly improved in appearance during the past year; new buildings are being erected on all sides; the streets are all in excellent order, and two new ones have been opened. The sea wall and chaussée have been thoroughly repaired, and care has been taken that all the new buildings have a correct alignment with the street. Land in the town and its immediate vicinity is double the value it was in 1863, and house rent has advanced in proportion.

11. This increased prosperity is owing in a great measure to the numerous visits from men-of-war, both English and French, some of the crews of which spend large sums of money during their stay. It is also owing to the present increased facility of communicating with the interior. The high road to the south point of this Island is progressing steadily, and the Ordinance is working satisfactorily so far. But the work has been found very heavy in parts of the trace, especially heavy for the unskilled labourers who elect to work in lieu of paying the tax. The enormous rocks which constantly block the passage of the road take much time in removal, and cause considerable delay in the many difficult places which must exist in a mountainous country.

12. The portion already opened has proved to the people the great benefit that they must ultimately derive from its completion. None of those who, when the tax was first imposed, grumbled at being obliged to pay for what they appeared to think was not required, would now wish to have the tax removed and the road discontinued. The great facility it affords to the merchants in the town for sending their wares into the interior has already satisfied them of its utility and advantage, notwithstanding that they were the first to complain of the tax. Indeed, all classes now begin to perceive that it would have been difficult to have introduced any measure more beneficial than the construction of a really good road.

13. Notwithstanding the unusual quantity of rain that fell during the year, the general health of the inhabitants has been good. The deaths amounted to 180, the births to 296; viz., males 148, females 148.

I have, &c.,
(Signed) SWINBURNE WARD,
Civil Commissioner.

To His Excellency the Governor,
&c. &c. &c.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

REPORTS

SHOWING THE

PRESENT STATE OF HER MAJESTY'S COLONIAL POSSESSIONS.

TRANSMITTED WITH THE BLUE BOOKS
For the Year 1865.

PART II.

NORTH AMERICAN COLONIES;
AFRICAN SETTLEMENTS AND ST. HELENA;
AUSTRALIAN COLONIES AND NEW ZEALAND;
EASTERN COLONIES;
THE MEDITERRANEAN POSSESSIONS, &c.

Presented to both Houses of Parliament by Command of Her Majesty,
4th July 1867.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1867.

18352.

SCHEDULE.

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No. 1.

CANADA.

No. 1.

Not received.

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No. 2.

NOVA SCOTIA.

No. 2.

Not received.

NEW BRUNSWICK.
No. 3.

NEW BRUNSWICK.

No. 3.

COPY of a DESPATCH from the Officer administering the Government to the Right Honourable the Earl of CARNARVON.

(No. 5.)

MY LORD, Fredericton, New Brunswick, January 25, 1867.

I HAVE the honour to transmit herewith to your Lordship the "Blue Book" for this Province for the year 1865.

As the period to which it relates was so long anterior to the date at which I assumed the administration of the Government, I trust that your Lordship will not expect from me any detailed account of the state of the Province at that time.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) HASTINGS DOYLE.

PRINCE EDWARD ISLAND.
No. 4.

PRINCE EDWARD ISLAND.

No. 4.

COPY of a DESPATCH from Lieutenant-Governor DUNDAS to the Right Honourable the Earl of CARNARVON.

(No. 19.)

MY LORD, Government House, February 23, 1867.

IN forwarding duplicate copies of the Blue Book of this Colony for 1865 I have to express my regret at the unusual and unaccountable delay in its compilation.

I should have been able to have characterized the year to which it refers as one of general prosperity, had it not been for civil disturbances, by which that prosperity was in some degree marred.

These disturbances arose out of the land tenure, and were occasioned by an organization called the Tenant League; as one of the avowed intentions of this league was to withhold from the landowners the rent which was due to them, collision with the law, should this course be persisted in, was sooner or later inevitable.

During the summer of 1865 the crisis came, and the civil power proved inadequate to meet it. An application was, therefore, made by the Officer administering the Government for a detachment of Her Majesty's troops. Happily, their presence was sufficient to allay the disturbances.

There does not appear to be much in the various returns of which this book is comprised, to call for special remark on my part.

Revenue and Expenditure.

The revenue for the year was 45,360*l.*; the expenditure, 50,633*l.* As compared with 1864, the increase or decrease under each head of revenue was very small; the total increase, 1,145*l.*; the expenditure was 12,069*l.* larger than that of the previous year. There are few items of ordinary expenditure which do not show an increase; this increase, however, would have been more than met by the revenue, but a large expenditure (6,418*l.*) was incurred on account of the troops sent to this Island. This was not anticipated in the estimates, and causes the total expenditure to exceed the revenue by 5,370*l.*

The public debt was thus increased to 49,760*l.*

Military Expenditure.

For several years previous to 1865 regular troops have not been stationed in Prince Edward Island, and there has consequently not been any expenditure on that account.

Civil disturbances, as I have already remarked, were the cause of a detachment being ordered here in August 1865. The old barracks had been sold under a local statute, with the understanding that accommodation would be provided in the event of troops ever being again quartered here. A barrack was therefore built, and this, with transport and other disbursements, occasioned an outlay by the Colony during the year of 6,418*l.*

Militia.

I am glad to be relieved from the necessity of passing the strictures which I should have felt it my duty to pass on this occasion on the laws relating to the local forces in 1865, and the inadequate provision made for the maintenance of those forces. These subjects again occupied the attention of the Legislature in 1866, and the action which was thereupon taken for their organization is all that could be expected, taking into consideration the limited resources of the Colony.

Legislation, &c.

The statutes enumerated in this Blue Book do not appear to call for any special remark.

The attention of both branches was, however, specially directed during the Session of 1865 to the question of a more intimate connexion of the Provinces of British North America. In this, the smallest of the Colonies concerned, union of any sort, federal or legislative, of all the Provinces or of the lower Provinces alone, has always met with violent opposition. The scheme adopted by the Conference at Quebec, which was under discussion during the Session, met with little favour in the Island Legislature, was rejected unanimously in the Upper House, and had but five supporters in the House of Assembly.

Imports and Exports.

The imports for the year were in value 381,015*l.*; the exports, 291,545*l.*, showing an increase respectively of 43,088*l.* and 88,877*l.* on the returns of 1864.

The ships built during the year do not appear in this return; their value, amounting to about 147,000*l.*, would place the exports in excess of the imports.

Gaols.

With reference to the answers to the questions under this head, I may remark, that although the gaols of the Colony are efficiently managed, so far as they go, there are many and serious defects in their construction, and in prison discipline. Some improvements have, however, been made since the date of this return.

Such appear to be the only points on which I need remark. I may add that the information required on pages 56 and 57 does not appear to have been obtained. I am, however, unwilling longer to delay the transmission of this Blue Book in order to obtain it.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) GEORGE DUNDAS,
Lieutenant-Governor.

NEWFOUNDLAND.

No. 5.

NEWFOUNDLAND.

No. 5.

Copy of a DESPATCH from Governor Musgrave to the Right Honourable the Earl of Carnarvon.

(No. 119.) Government House, Newfoundland,

My Lord, August 21, 1866.

I have the honour to forward one copy of the Blue Book of this Colony for the year 1865.

2. The details of these tables call for no special explanation, and nothing in the circumstances of the Colony during the year induces me to believe that I need trouble you with any addition to the general remarks upon its condition which I had the honour to submit when forwarding the returns for 1864.

3. The fisheries of 1865 were much more fortunate than in recent former years, and agricultural operations were unusually successful.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) A. MUSGRAVE.
&c. &c. &c.

BERMUDA.

No. 6.

BERMUDA.

No. 6.

Copy of a DESPATCH from Governor Colonel Ord, R.E., to the Right Honourable Edward Cardwell, M.P.

(No. 20.)

Sir, Bermuda, April 7, 1866.

I have the honour to forward the Blue Book for this Colony for the year 1865.

2. Taxes.

The cessation of the blockade running trade has necessitated an increase of taxation, and the duty on imports was raised from two to three per cent. Notwithstanding this increase the falling off in the revenue has been considerable, whilst the expenditure has not decreased in proportion.

3. I annex an abstract of the revenue and expenditure for the last four years, the period during which the Colony derived benefit from the exceptional traffic with the southern ports.

—	Revenue.	Expenditure.	Saving.	Excess.
	£	£	£	£
1862	21,804	19,298	2,506	nil.
1863	24,259	18,514	5,745	nil.
1864	30,658	27,100	3,558	nil.
1865	24,496	35,627	nil.	11,131
	101,217	100,539	11,809	11,131

Actual saving, £678.

4. In the expenditure for the past year is included a sum of 6,000*l.* invested in the funds for the construction of two important works, a new gaol and a lighthouse, which may be said to represent the whole advantage the Colony has to exhibit as derived from its large increase of revenue during these years. I regret to add that the present depressed condition of the local treasury renders it almost certain that the Colony will have either to resort to a loan or to make use of this money to enable it to meet its liabilities.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) H. St. GEORGE ORD.
&c. &c. &c.

BRITISH COLUMBIA.

No. 7.

Copy of a DESPATCH from the Officer Administering the Government to the Right Honourable the Earl of Carnarvon.

(No. 72.)

My Lord, New Westminster, October 31, 1866.

I have the honour to forward the Blue Book Returns for the year 1865.

2. The actual Colonial Revenue collected during the year amounted to 116,106*l.*, as against 104,099*l.* in 1864, an increase of 12,007*l.* Of this amount the sum of 10,557*l.* is the result of a newly imposed tax of 1*s.* 6*d.* and 2*s.* an ounce on gold exported from the Colony. The Customs Returns also show a considerable increase.

The decrease of 8,318*l.* under the head of Road Toll Receipts is attributable to an alteration in the law, by which all home-grown produce is now exempt from payment of tolls, and may be taken as satisfactory evidence of the increasing amount of agricultural produce now raised by the settlers in the interior.

The pre-emption law, under which the Crown lands are acquired, does not require the payment of the upset price, 4*s.* 2*d.* an acre, until the general survey of the Colony reaches the land claimed by a pre-emptor. No general survey has been commenced, and the only receipts under the head of Land Sales were derived from the sale of the few town and suburban lots offered for public competition during 1865; this will explain the apparent falling off in the land sales receipts.

The actual expenditure for the year 1865 amounted to 141,762*l.*

3. *Military Expenditure.*

10,700*l.* appears as the Colonial expenditure under this Return for the year 1865, being a charge made by the Imperial Government for barrack buildings erected for the detachment of Royal Engineers serving in the Colony from 1859 to 1863. There are no military posts or works, and since the departure of the Royal Engineers no further expenditure has been incurred. A sum of 230*l.* was expended in the construction of a drill shed for the use of the New Westminster Rifle Volunteers, a corps steadily increasing in numbers and efficiency.

4. *Public Works.*

The discovery of extensive gold fields in the most distant portions of the Colony has necessitated an enormous expenditure in the construction of public roads, when compared with the settled population of the Colony. During the year 1865, 57,123*l.* was expended in opening communication with the several mining districts, and 16,915*l.* on public works. I enclose a Report, prepared by the Chief Commissioner of Lands and Works, giving a detailed account of the operations of his department during the past year.*

* Not printed.

5. *Legislation.*

The Legislative Council passed 28 Ordinances during the session extending from January to April.

No. 1. The first Ordinance extends the period for which exclusive privileges were granted to Messrs. Janion Green and Trutch to enable the formation of a company for the introduction of traction engines for the conveyance of supplies to the mining districts of the interior. Difficulty was experienced in obtaining the requisite capital, and the project is now abandoned.

No. 2. To amend the law of evidence. Provides that any court or magistrate in the Colony may, in criminal and civil cases, receive the evidence of any Native destitute of the knowledge of God, or religion, or a future state, without administering an oath, preliminary caution being given that false evidence will be punished as perjury. The necessity for this law was strongly represented by Mr. Justice Begbie, after six years' experience as Judge of the Supreme Court of this Colony, and it is found to work with much advantage.

No. 3. The principle of the Customs Amendment Ordinance is taken from the Canadian Statutes. It provides that the duties shall be collected on the market price

British Columbia.

at the place of shipment. Under the previous law duties were collected on all invoices from the neighbouring Colony of Vancouver Island at the value named in the invoice, but on goods received from other ports than those of Vancouver Island an addition of $33\frac{1}{3}$ per cent. was added by the Customs Department to the value specified in the invoices, and duties collected at the increased rates. The Council were of opinion that this system gave undue advantage to the merchants of Vancouver Island, and prevented the establishment of commercial houses in this Colony.

Nos. 5, 7, and 28. The Ordinances relating to telegraphs were introduced under instruction from the Secretary of State.

No 5. Gives power to an American company to construct a line of telegraph through British Columbia, and to erect block houses for defence against Native tribes along the line of telegraph. It further allows all telegraph material and supplies to be admitted free of customs duties for a period of three years while the line is in course of construction.

No. 28 provides for the incorporation of the company under the Joint Stock Ordinance, and for the establishment of a permanent head office at New Westminster. No. 7 repeals an Ordinance passed in 1864, giving exclusive privileges to the California State Telegraph Company.

No. 6. A private bill authorizing the collection of tolls on goods crossing a bridge to be constructed over the Thompson River at Lytton. The conditions of the Charter granted under this Ordinance not having been fulfilled, the privileges have been forfeited.

No. 8. American coinage is in universal circulation, and commercial transactions are conducted in dollars and cents. The Decimal Currency Ordinance was passed to enable the public accounts to be kept in the decimal system. The tender of silver coin is limited to 10 dollars. The sovereign is taken at $\$4\frac{85}{100}$. The shilling and florin are valued as $\frac{1}{4}$ and $\frac{1}{2}$ dollars.

No. 11. This Ordinance authorizes the Governor, on the petition of, in his opinion, a sufficient proportion of the residents of any town or place in the Colony praying for municipal institutions, to grant the same by Charter, under certain restrictions expressly laid down in the several clauses. The enactment may be considered as a tentative measure, to supply the place of a general municipal law, which the crude state of the Colony does not at present admit.

No. 13. Imposes a tax of 2*s.* an ounce on unassayed and 1*s.* 6*d.* on assayed gold. The inability of the revenue of 1864 to meet the heavy charges for the construction of roads necessitated further taxation, and it was considered that no more just tax could be imposed than one which would chiefly be felt by the successful miner, the entire public debt having been incurred in the construction of roads to facilitate communication with the distant mining districts, and thus cheapen the price of living in the mines. The working of the Ordinance has, however, proved the mode of taxation to be unsuited to a Colony so peculiarly situated as British Columbia. The miners were enabled to draw unsatisfactory comparisons between the taxation in British Columbia and the neighbouring gold fields of Nevada and Idaho, where no such tax exists, and thus a feeling of hostility to the tax, and a desire to evade the payment of duty, was shown, which made it difficult to collect the revenue on our extensive southern frontier, and was a great incentive for the commencement of a system of smuggling. Under these circumstances, the Legislative Council have, during the present year 1866, repealed this Ordinance.

No. 14. Consolidates the several proclamations, rules, regulations, and ordinances which have from time to time been passed respecting gold mining in British Columbia.

No. 16. Increases the penalty formerly attached to the sale or gift of intoxicating liquor to Indians. Under this Ordinance any person selling, bartering, or giving liquor to Indians is liable to a penalty of 100*l.*, and on a second conviction for the like offence can be committed to prison for a term of 12 months, with hard labour, without the option of a fine. This stringent measure has proved very beneficial in checking the sale of liquor to the Indian Tribes of the interior.

No. 17. Prohibits the sale during the breeding season of deer, elk, and the species of grouse which abound throughout the Colony. While the Indians could obtain purchasers for game the destruction in the breeding season was immense, and game of all kinds gradually decreased in the neighbourhood of towns.

No. 18. The Ordinance to exempt home-grown produce from road tolls was framed on a resolution of the Council, with a view to encourage the development of the agricultural resources of the Colony. This Ordinance also exempts all stores and materials used in the construction of the International Telegraph from the payment of road tolls.

No. 19. To prevent the violation of Indian graves it was found necessary to attach a heavy penalty to the offence. It is customary with Native tribes to decorate the graves of their dead with the articles most cherished by the deceased. Guns, canoes, blankets, and many other valuable articles will be found deposited in an Indian grave yard, as well as quaintly carved images. Great respect is shown by the Indians to these grave yards, and the destruction of the property by White men, either for curiosity or gain, was found likely to lead to a breach of the peace between the two races. The Ordinance attaches a penalty of 100*l.*, with or without imprisonment for six months, for rifling Indian graves, and renders a second offence liable to 12 months' imprisonment.

No. 20. The Bankruptcy Ordinance is an adoption, with occasional modification, of the Bankrupt Law Consolidation Act, 1849, with provisions enabling the district magistrate in the absence of the Supreme Court Judge, to deal with uncontested bankruptcy cases within their own districts.

No. 23. Imprisonment Exemption Ordinance, 1865, abolishes imprisonment for debt under a capias ad satisfaciendum on a judgment, except where fraud, intention to abscond, or improper conduct in the debtor is shown. It also establishes gaol limits as in Canada. The law relating to capias ad respondendum for the arrest of absconding debtors remains unaltered by this statute.

No. 27. Is a consolidation of previous Land Acts, with some amendments, for the promotion of actual settlement, the avoidance of litigation, and speedy and cheap adjustment of disputes. It also contains provisions for the grant of leases for pastoral and timber cutting purposes, and a clause enabling the Governor, with the consent of the Home Government, and publication in the Government Gazette, to make free or partially free grants of land for the purposes of immigration.

6.—*Pensions.*

The present is the first appearance of any expenditure from the local revenue under this head. The recipients are the widows of officers killed in the public service.

Mrs. M'Lean's husband was shot during the Chilicoten insurrection.

Mrs. Ogilvy is the widow of a revenue officer killed by a White man against whom he was about to bring the charge of selling liquor to Indians. In each instance the Legislative Council voted a pension of 100*l.* per annum for a period of five years.

7.—*Population.*

It has been found impossible to take any correct census of the population, and the return under this heading is collected from the reports of the several district magistrates, and must only be considered as approximate. Miners as a class have no fixed abode. During the mining season they are to be found scattered over an area of 400 miles throughout the gold bearing range of mountains. As winter sets in many of those who have made sufficient money to leave the Colony do so by the many routes open to them, and spend their money in Portland or San Francisco. The settled White population during 1865 did not in my opinion exceed 6,000. The Chinese may be estimated at 3,000, the Indians at 35,000. To this may be added a migratory population during summer months of an additional 3,000 miners. The rate of wages both in the mining and agricultural districts, averaging from $50 to $150 per mensem, should form a sufficient inducement to emigrants, as there is an abundant field for all clases; but while our system of communication with the mother country is so defective, and the rates for passages so exorbitant, it is useless to expect an immigration of a desirable class of settlers, and the Colony must still depend upon the neighbouring territories to supply the labour market. The subject of adopting some scheme of assisted immigration has been under the consideration of the Legislative Council on two occasions, but without, I regret to say, any satisfactory results.

8.—*Education.*

No general system of public education exists at present. At New Westminster, Yale, and Douglas public schools are established, and conducted under the supervision of a committee selected by the inhabitants. The Government contribute to the support of these schools, and a payment of $1 a month is required from the parents or guardians for each child attending school.

The education of the Indian children has been undertaken with most satisfactory results by Mr. Duncan at Metlakahtla on the North-west Coast, and also at the Roman Catholic Mission of St. Mary's on the Fraser, and at the Okanagan Lake in the interior.

British Columbia.

More schoolhouses for the education of the Native race are about to be established. The expenditure by the Government on account of education during 1865 amounted to 900*l.*

9.—*Imports and Exports.*

The returns under this head require to be taken in conjunction with those of the neighbouring Colony of Vancouver Island to form any correct idea of the countries from which the imports are received and to which the exports of this Colony are transmitted. Hitherto the Colony of Vancouver Island has acted as a toll-gate to British Columbia. The free-port system of Vancouver Island has enabled the merchants to live more cheaply in Victoria than on the mainland, and Victoria has thus become the depôt where goods destined for the British Columbia market have been detained, only to be reshipped in small quantities as occasion required. The same remarks will apply to the shipping return.

The total value of imports into British Columbia during the year was 497,734*l.*

The total value of exports during the same period is estimated at 612,266*l.*, including gold, which is stated in the return to have been exported to the extent of 578,790*l.* This return must necessarily be incorrect, as it is only from the more important gold fields of Cariboo and Kootenay that any approximate return can be obtained. Miners are distributed more or less over the gold-bearing range of mountains from the 49th to the 54th Parallel North Latitude, and the many outlets from the Colony by way of the southern boundary leave it a matter of impossibility, in the present early stage of the Colony, to obtain any correct return of the annual produce of gold.

It is difficult also to give a correct return of the furs collected during the year. Many vessels employed in the fur trade on the North-west Coast return direct to Victoria with their cargo of furs, and thus the return given in the Blue Book merely represents the quantity brought from the interior by way of Fraser River.

10.—*Ecclesiastical.*

But few established places of worship exist in the Colony, more particularly in those upper portions where the miners congregate during the summer months. In 1865 New Westminster was the only town where a Protestant clergyman permanently resided, but clergymen of all denominations occasionally visited the towns and mining districts of the upper country.

11.—*Agriculture.*

A very erroneous opinion of the capabilities of British Columbia as an agricultural and stock raising country has been formed, and the year 1865 may be said to be the first in which practical experience has refuted the general opinion as to the sterility of the soil. The large and fertile tracts of land bordering the lower Fraser are gradually being brought under cultivation; the expense of clearing the heavy forest timber prevents the settler from more rapidly extending his agricultural operations in this lower portion of the Colony. It is, however, beyond the Cascade range of mountains, commencing at Lytton, a distance of 160 miles from New Westminster, that the settlements are more extensive; there the country opens out, and the vast and almost impenetrable forest of pine disappears. Large benches of table land covered with a luxuriant growth of bunch grass border the banks of Fraser and Thompson River, and extend back to the dividing ranges.

It has been proved by the experience of 1865 that by a system of irrigation (rendered necessary by the small amount of rain that falls) this land will produce extraordinary crops of all descriptions. The root crops are not to be surpassed in any part of the world; and the cereals, both as regards the quantity and quality of the crops, can compete with any that are grown in the mother country.

Prior to 1865, little attention had been paid to the raising of wheat, in consequence of the want of grist mills throughout the upper portions of the country, but during the past year four were erected, inducing the settler to enter more extensively into this branch of agriculture, and the upper country now produces most of the flour consumed by the inhabitants. Should the mining population not increase beyond the present ratio, I have no hesitation in saying that after another harvest sufficient grain can be raised to support the population. The portions of the country adapted for pasture are extensive, and the grass known as bunch grass most luxuriant and nutritive. In the early days of the Colony, bands of cattle driven in from the neighbouring American territories supplied the market; but the settler has found by experience that British Columbia as a

stock raising country is unrivalled, and a large importation of cattle during 1864 and 1865 has consequently ensued. This branch of farming has proved very lucrative, and large herds of cattle now roam over the high table lands of the interior during the summer months, and pass the long and occasionally severe winters in the valleys, with but little loss to their owners.

12.—*Manufactures, Mines, and Fisheries.*

The extensive pine forests bordering the coast are capable of producing an almost inexhaustible supply of the finest lumber and spars.

Three steam saw mills have been erected at New Westminster and Burrard Inlet, and are capable of turning out 180,000 feet of lumber per diem. A great drawback to the development of this trade is caused by the heavy tax imposed on the importation of foreign lumber at the American ports on the Pacific, thus closing our nearest market, and obliging the shipper to consign his cargo to the markets of Mexico, South America, the Sandwich Islands, and Australia.

Apart from the extensive gold fields gradually being developed during 1865, some rich silver lodes were discovered in the Shuswap district. The land has been reserved to the discoverers for one year, to enable them to obtain capital to develop the mine.

Anthracite coal was discovered on Queen Charlotte Island, and a company has been formed to work the seams.

The fisheries of the coast remain undeveloped; the Indians chiefly supply the local demand. Extensive cod banks are known to exist on the northern coast. Salmon abound in every river in the Colony; some 1,500 barrels were exported to the Sandwich Islands in 1865.

13. I can refer with much satisfaction to the police and gaol returns, as evidencing the small amount of crime among the heterogeneous community by which this Colony is peopled.

The circuit of the Supreme Court for 1865 extended to every town and gold field throughout the Colony; during the entire circuit only two criminal cases were brought before the Court. The large Indian population are peaceable, orderly, and contented; and among all classes poverty can scarcely be said to exist.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) ARTHUR N. BIRCH.

VANCOUVER ISLAND.

No. 8.

Copy of a DESPATCH from Governor Kennedy, C.B., to the Right Honourable Edward Cardwell, M.P.

(No. 55.)

Sir, Government House, Victoria, August 3, 1866.

1. I have the honour to transmit the Blue Book of this Colony for the year 1865.

2. The delay which has occurred in the preparation of this Blue Book is in some degree owing to the want of sufficient clerical assistance.

3. The circumstances of the Colony during the year 1865 were such as do not call for much comment in addition to the observations made in my Despatch No. 73, August 24, 1865, in which I transmitted the Blue Book for 1864.

Taxes.

4. Under this head an equalization, and in some instances an increase, of port and harbour dues and trade licences have resulted in an increase of receipts; the salaries tax was imposed in 1865.

5. The receipts for liquor licences continue to be very considerable in proportion to the population.

VANCOUVER ISLAND.

Revenue.

6. A statement of the Crown Revenue is given separately from the General Revenue; the increase under the heads of Real Estate tax and Victoria City tax arose from the collection of arrears, and that under the head of Port and Harbour dues as already explained in paragraph 4 of this Despatch. The increase under the head of Postage arises from the receipts for the sale of foreign stamps being now for the first time brought to account. The inclusion of the bank account swell the figures of revenue beyond the amount strictly available as such.

Expenditure.

7. The expenditure is in like manner apparently increased by the bank account being included. Many of the items of increase and decrease in the expenditure may be accounted for by the classification of the details differing somewhat from that adopted in 1864.

Population.

8. The estimate of the population (exclusive of Aborigines), 6,000, compared with 8,000 estimated for 1864, shows a decrease of 2,000. Any falling off in the population may have arisen to some extent from the restlessness of a large portion of it, and from its susceptibility of influences inducing change of abode. Depression in trade and the want of progress in the settlement of the Island owing to the peculiar condition of matters relating to Crown lands, may also have tended to a reduction of the population. I should state, however, that I regard this estimate of the decrease of the population with great doubt.

9. The decrease in the imports may be attributed to similar causes.

10. I may remark in conclusion that during the year 1865, from circumstances with which you are fully acquainted, the state of this Colony may be regarded as one of expected transition rather than of progress, although the Colony contains within itself the elements of substantial prosperity.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) A. E. KENNEDY,
&c. &c. &c. Governor.

AFRICAN SETTLEMENTS AND ST. HELENA.

Sierra Leone.

No. 9.

SIERRA LEONE.

No. 9.

(Not received.)

Gambia.

No. 10.

GAMBIA.

No. 10.

Copy of a DESPATCH from Governor Blackall to the Right Honourable the Earl of Carnarvon.

(No. 29.)

My Lord, Gambia, December 10, 1866.

I have the honour to enclose to your Lordship the Blue Book for this Settlement for the year 1865, with the Administrator's report thereon.

2. I think the returns which are alluded to by Colonel d'Arcy are, with the exception of that of births and deaths, satisfactory evidence that this Settlement is advancing in prosperity and civilization.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) SAM. W. BLACKALL, Governor-in-Chief.

Government House, Bathurst, Gambia,

Your Excellency, November 9, 1866.

I have the honour to forward the Blue Book for 1865, with the following brief report.

Imports.

Comparative Statement of the Value of the Articles of Imports during the Years 1864 and 1865.

Articles.	Value of Articles imported in 1864.	Value of Articles imported in 1865.	Increase in 1864.	Increase in 1865.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Ale and porter - -	1,903 0 3	2,559 4 0	—	656 3 9
Amber and coral - -	961 18 6	835 5 0	126 13 6	—
Ammunition - - -	57 5 0	77 6 0	—	21 1 0
Anchors and chains - -	102 16 0	168 8 0	—	65 12 0
Asphalte - - -	17 0 0	211 5 0	—	194 5 0
Bags (empty) - -	330 6 0	870 18 0	—	540 12 0
Beads - - -	680 17 0	292 3 0	388 14 0	—
Blue and starch - -	48 16 0	155 4 0	—	106 8 0
Brass rods - - -	86 4 0	140 18 0	—	54 14 0
Bread and biscuits - -	1,601 15 0	509 17 0	1,091 18 0	—
Bricks and tiles - -	826 15 0	466 15 0	360 0 0	—
Candles - - -	310 0 0	603 7 0	—	293 7 0
Canvas - - -	49 6 0	858 11 0	—	809 5 0
Coffee - - -	156 10 0	157 10 0	—	1 0 0
Colah nuts - - -	8,685 0 0	9,015 0 0	—	330 0 0

COMPARATIVE STATEMENT of the VALUE of the ARTICLES of IMPORTS during the Years 1864 and 1865—*cont.* GAMBIA.

Articles.	Value of Articles imported in 1864.	Value of Articles imported in 1865.	Increase in 1864.	Increase in 1865.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Cordage and twine	446 2 0	1,021 15 0	—	575 13 0
Cotton cards	280 0 0	22 10 0	257 10 0	—
Cotton goods	9,509 18 0	17,190 8 0	—	7,680 10 0
Cotton yarn	141 8 0	628 6 0	—	486 18 0
Corn produce, W.C.A.	1,103 12 0	72 0 0	1,031 12 0	—
Cutlasses and swords	205 6 0	436 11 0	—	231 5 0
Earthenware	258 12 0	57 9 0	201 3 0	—
Flour	3,065 1 0	3,288 14 0	—	223 13 0
Fruit and vegetables	176 19 0	91 7 0	85 12 0	—
Furniture	543 6 0	121 10 0	421 16 0	—
Glassware	125 2 0	165 13 0	—	40 11 0
Ground nuts	1,281 7 6	2,062 10 0	—	781 2 6
Gunpowder	2,038 8 0	2,691 14 0	—	653 6 0
Guns and pistols	2,525 4 0	3,694 14 0	—	1,169 10 0
Haberdashery	387 0 0	704 18 0	—	317 18 0
Hardware	4,930 2 0	3,112 13 0	1,817 9 0	—
Hides	2,231 4 0	1,538 8 0	692 16 0	—
Hides poison	14 0 0	77 6 0	—	63 6 0
Iron bars	133 0 0	605 15 0	—	472 15 0
Leather (manufactured)	490 4 0	681 9 0	—	191 5 0
Live stock	100 0 0	357 0 0	—	257 0 0
Lumber and plank	1,626 3 0	1,243 3 0	383 0 0	—
Machinery	581 11 0	137 0 0	444 11 0	—
Medicine	54 10 0	44 4 0	10 6 0	—
Metal (in sheets and rods)	131 8 0	683 13 0	—	552 5 0
Oars	87 4 0	84 7 0	2 17 0	—
Oats	45 12 0	61 17 0	—	16 5 0
Oil (edible)	127 9 0	106 5 0	21 4 0	—
Oil, lamp	416 16 0	792 0 0	—	375 4 0
Paint, paint oil, and turpentine	486 2 0	1,179 17 0	—	693 15 0
Palm nuts	742 4 0	208 15 0	533 9 0	—
Perfumery	147 4 0	199 4 0	—	52 0 0
Pitch, tar, and resin	147 12 0	164 12 0	—	17 0 0
Provisions	1,294 7 0	3,363 19 2	—	2,069 12 2
Rice, clean (foreign)	23,208 7 0	16,368 4 0	6,840 3 0	—
Rice, clean (produce)	278 7 0	262 2 0	16 5 0	—
Rice, rough (produce)	2,368 0 0	1,345 1 0	1,022 19 0	—
Salt	388 13 0	826 8 0	—	437 15 0
Ships' chandlery	34 5 0	41 2 0	—	6 17 0
Ships' stores	139 5 0	180 19 0	—	41 14 0
Shingles	511 9 0	388 2 0	123 7 0	—
Soap	976 5 0	948 14 0	27 11 0	—
Spars	25 0 0	4 0 0	21 0 0	—
Spirits, absinthe	720 6 0	244 14 0	475 12 0	—
„ brandy	532 19 0	1,177 11 0	—	644 12 0
„ gin	706 0 0	1,090 2 0	—	384 2 0
„ liqueur	348 9 0	237 17 0	110 12 0	—
„ rum	3,210 8 0	5,807 1 0	—	2,596 13 0
Stationery	252 11 0	307 3 0	—	54 12 0
Stoneware	64 15 0	43 0 0	21 15 0	—
Sugar	2,248 10 0	2,009 11 0	238 19 0	—
Sundries	1,143 3 0	1,879 9 0	—	736 6 0
Tallow	6 0 0	15 9 0	—	9 9 0
Tea	183 19 0	139 18 0	44 1 0	—
Tobacco	11,706 16 0	23,385 19 0	—	11,679 3 0
Varnish	22 9 0	17 10 0	4 19 0	—
Vinegar	45 15 0	31 10 0	14 5 0	—
Waters (mineral)	111 14 0	73 15 0	37 19 0	—
Wax (clean)	2,278 13 9	2,104 0 0	174 13 9	—
Wearing apparel	1,823 8 0	2,544 12 0	—	721 4 0
Wine	2,969 0 0	2,726 15 0	242 5 0	—
Woodware	125 12 0	241 16 0	—	116 4 0
Total	77,071 19 0	128,254 1 2		

£128,254 1 2 1865
77,071 19 0 1864

£ 51,183 2 2

GAMBIA.

COMPARATIVE STATEMENT of the VALUE of the ARTICLES of EXPORTS during the Years 1864 and 1865.

Articles.	Value of Articles exported in 1864.	Value of Articles exported in 1865.	Increase in 1864.	Increase in 1865.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Cotton goods - - -	6,797 13 0	1,710 9 0	7,087 4 0	—
Cutlasses and swords - -	321 0 0	103 0 0	218 0 0	—
Ground nuts - - -	79,400 15 0	94,306 12 6	—	14,905 17 0
Gunpowder - - -	479 0 0	708 4 0	—	229 4 0
Guns and pistols - -	1,202 19 0	1,355 5 0	—	152 6 0
Hides - - - -	24,953 0 0	20,824 8 0	4,128 12 0	—
Tobacco - - -	1,222 5 0	302 13 0	919 12 0	—
Wax - - - -	11,234 19 11	10,523 2 6	711 17 5	—
Cotton - - -	533 19 1	3,012 15 4	—	2,478 16 3
Spirits (all kinds) - -	579 8 0	971 19 0	—	392 11 0
Total -	126,724 19 0	133,818 8 4		

£133,818 8 4 1865
126,724 19 0 1864

£7,093 9 4

Your Lordship will perceive from the comparative statement of the value of imports, that the year 1865 shows an advantage of no less than 51,183*l.* 2*s.* 2*d.* over the previous year.

Exports.

It is a pleasing duty to record that the harvest of 1865 was a most bountiful one, chiefly causing the increase of 7,093*l.* over 1864, notwithstanding the losses experienced in the Upper River, from the King of Bundoo's ruthless raid. I fear the export of cotton will not continue at such an increased ratio, inasmuch as the European merchant cannot make the smallest profit on this article, after incurring all the expenses of freight to Europe; however, he gives his orders, I find, liberally, sending it to the Casamance in exchange for rice; the people of that country, the Jolahs, preferring the texture of the Gambia cotton to their own, where it may be said to grow wild in the Jolah country, uncultivated, and, consequently, unappreciated.

These returns may be accepted as evidence of increased industry and progress, notwithstanding the many drawbacks, war, sickness, and famine have necessarily imposed.

Population.

RETURN of BIRTHS and DEATHS during the years 1859 to 1866.

——	Births.	Deaths.
1859	127	254
1860	153	240
1861	106	244
1862	183	261
1863	115	414
1864	108	347
1865	139	291
1866	87	221
	1,018	2,272

That 1,254 deaths are in excess of the births speak very unfavourably for the salubrity of the Settlement; in the rains, the Europeans die,—and in the cold weather, the Africans; badly clad, badly housed, and ill-fed, they yield to the cold north-east wind, which blows night and day without intermission. If it was not for the constant mainland supply of immigrants to St. Mary's, who, after long residence, become civilized British subjects, the inhabitants of the Settlement would soon die out; in this particular we have profited by the adversity experienced by the Yúloff countries to the northern sea-board: the town is now full of labourers, and British Combo is richly cultivated by poor people, who have been tried in the furnace of misfortune; naked and friendless, flying before the Mahommedan sword, they have found a refuge in our

territory. The wilds of the new world and Australia were converted to cultivation by the poor and the unhappy, not by the rich. May we not hope the same for the small tract of land Great Britain possesses on the northern coast of Africa? GAMBIA.

Crime.

With respect to the nature of crime, a favourable comparison may be drawn even with a European colony, and this is the more singular, inundated as we are during the season of trade by a nomade ignorant people. I find, by a return from Mr. Campbell (our much respected gaoler), that during the last seven years the convictions have been 1,990, but only 332 of these were felonious against the person; the chief trouble is larceny, as will be readily supposed, petty thieving being the tendency of all savage tribes. It is astonishing how amenable they become to discipline on joining the ranks of the convicted, and what pride they take in their task work.

I found the tracks on the Island, on arrival in 1859, fatiguing, from the heavy sand to journey upon, but I leave it, I am happy to say, hard and easy of travel, owing to the undivided labour of the convicts under my daily personal supervision.

Trade.

I now limit myself to explaining to your Excellency somewhat relative to the nature of the river trade. It resembles that of Lagos, inasmuch as it is a mainland trade, dependent on the internal state of the country. The constant wars so paralyze agriculture and industry, that the natives have little to give in return for our imports, save the ground nut; on the river-board, to save land carriage, the farmers congregate, to cultivate the soil, but also to palaver and fight, constant contentions arising out of the possession of its lands. The trade, however, possesses vitality, the river-board is extensive, embracing about 800 miles, including the land on each side of the creeks, which are as broad as some rivers in England. During the four rainy months of July, August, September, and October our native trader (liberated African) is busy; he conveys rice and corn, the property of his European employer, articles at that time most in request, up the river, receiving in exchange pagnes or country cloths, manufactured from cotton grown in the country in the native towns by the weavers, and dyed by the women from Indigo, grown in small quantities near each town; in November he receives ground nuts, hides, and wax, in exchange for these same pagnes, but his factory is now stocked by imports from home; the possession of guns, powder, Madras handkerchiefs, and rum tempts the native to industry, and the trade is very active till the rainy season comes round, when the pagne season again opens; the European merchant generally leaves for Europe by the June mail, leaving this part of the trade to be conducted by his native agent; the trade thus tends to the prosperity of all, and prevents Bathurst being a fishing village.

After many years of intercourse with the race, I cannot see in the African any incapacity for civilization; on the contrary, I am convinced, that the liberated Africans contain in themselves all the elements of a commercial people; if Adam Smith's theory is pronounced orthodox, that it is to the principle of parsimony we owe our capital, and again to capital we owe our comforts and enjoyments; we certainly have this desideratum in the African, who is for the most part a parsimonious citizen, ambitious to rise in the world, and consequently to save and amass. They remind me much of the Banians in Eastern cities, whose personal expenditure is nil, but whose trade speculations are weighty and adventurous; but refinement passes over these half-civilized bigots, as the air of Heaven over a stagnant lake, and they are as we found them in 1757; whereas the liberated African is perhaps rather too eager to adopt our laws to his immediate advantage before he can possibly understand them. As it takes three generations at home to make an English gentleman, likewise does it take three generations to make an intelligent, well-educated African gentleman.

My successors will be wise if they support agriculture in every way; it is the sheet anchor of this Settlement. Unfortunately, remonstrances alone are not sufficient to deter the natives from baneful war, so tempting to the savage, who risks death and famine for the chance of abducting human beings, whereby he is suddenly enriched; the old leaven of slavery is the curse of Africa. I have been on the point of forming an agricultural society several times, but a press of business has always prevented the attempt. Much of the cotton crop grown from the Egyptian seed the Government imported in 1862 was spoilt from the simple fact that the natives planted it in June instead of August; it is a sun plant, which even at birth only requires two months' rain, not four. The

GAMBIA.

printed monthly report of the discussions in reference to the best time and most approved mode of planting rice, indigo, ground nuts, cassava, beniseed, &c., would, I am convinced, be read by the people of the West Coast with as much eagerness as the Parliamentary debates are in England.

I have, &c.

To his Excellency Colonel Blackall, &c. &c. &c.

(Signed) G. d'ARCY,
Colonel and Administrator.

GOLD COAST.

No. 11.

(Not received.)

LAGOS.

No. 12.

LAGOS.

No. 12.

COPY of a DESPATCH from Governor BLACKALL to the Right Hon. E. CARDWELL, M.P.

(No. 14.)

SIR, Government House, Sierra Leone, May 19, 1866.

I HAVE the honour to enclose one copy of the Blue Book for Lagos for the year 1865.

I have not received any report with this Blue Book, no doubt in consequence of the recent change in the administration of that dependency, but, judging by the comparative tables of revenue of 1865 and 1864, the result appears to be satisfactory.

I have, &c.

The Right Hon. E. Cardwell, M.P.

(Signed) SAM. W. BLACKALL,
Governor-in-Chief.

CAPE OF GOOD HOPE.

CAPE OF GOOD HOPE.

No. 13.

COPY of a DESPATCH from Governor Sir P. E. WODEHOUSE, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 99.)

MY LORD, Government House, Cape-Town, December 6, 1866.

I BEG to transmit for your Lordship's information the Blue Book of the Cape for the year 1865, and should have been well pleased if it had been in my power to submit a more favourable statement of the condition of the Colony. But unfortunately a succession of adverse seasons and other contingencies have now for some time pressed very heavily on all classes of the community. The effect on the public finances is such as might have been expected. The expenditure, notwithstanding the stoppage of nearly all public works, has largely exceeded the income, while the revenue on the other hand has seriously diminished. The total expenditure for the year amounted to 651,515*l.*, while the receipts, exclusive of sums borrowed, did not exceed 536,798*l.* Unfortunately there has up to the present time been but little improvement. Want of employment for the labouring classes has also been the cause of very numerous thefts of cattle and sheep, and the Government is at this moment greatly embarrassed by the extraordinary number of prisoners, tried and untried, confined in the several gaols.

The Parliament, which has been some weeks in session, has exhibited a steady determination to curtail expenditure and effect a material reduction of the public establishments, rather than to attempt the restoration of the finances by any additional taxation. Whether this measure will succeed is questionable; but no doubt even the attempt will for some time aggravate the distress in certain quarters.

The legislation of the year was distinguished chiefly by the passing of an enactment by which a discussion extending over several years was at last concluded by the union of the Colonies of the Cape and British Kaffraria. This was a measure which, with a view to the efficient and economical government of these territories, I thought it my duty to press on Her Majesty's Government, notwithstanding the vehement opposition it encountered from some of the people of British Kaffraria, and I am still glad to think that those representations were sufficient to win their decided support of the proposed changes.

I have, &c.
(Signed) P. E. WODEHOUSE.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

NATAL.

No. 14.

Copy of a DESPATCH from Acting Lieut.-Governor Bisset to the Right Hon. the Secretary of State for the Colonies.

(No. 87.)

Sir, Government House, Natal, August 29, 1866.

I have the honour to forward herewith two copies of the Blue Book of this Colony for the year 1865.

I have, &c.
(Signed) JOHN J. BISSET,
Acting Lieutenant-Governor.

The Right Hon. the
Secretary of State for the Colonies.

ST. HELENA.

No. 15.

Copy of a DESPATCH from Governor Vice-Admiral Sir Charles Elliot, K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 122.)

Sir, St. Helena, June 5, 1866.

Herewith I have the honour to forward the Blue Book for the year 1865.

2. The state of this post has been so fully reported upon in the course of the Despatches of the past year that it is unnecessary to intrude upon your attention any further detail upon this occasion. I trust, however, that we are now in the steady course of reparation of the public buildings, and that I shall be enabled, in forwarding the Blue Book for the current year, to indicate some considerable progress in that respect in a durable manner against further devastation by the white ant.

I have, &c.
(Signed) CHARLES ELLIOT.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

AUSTRALIAN COLONIES AND NEW ZEALAND.

NEW SOUTH WALES.

STATISTICAL VIEW of the PROGRESS of NEW SOUTH WALES for the last 10 YEARS.

Year.	Population.	Births.	Marriages.	Deaths.	Schools.	Schools. Number of Scholars.	Commitments for Trial.	Convictions.	Mills.	Manufactories, Works, &c.	Number of Acres under Crop.	Live Stock. Horses.	Horned Cattle.	Sheep.	Pigs.
1856	[a] 286,873	10,097	2,778	4,203	565	29,426	—	461	154	314	186,033½	168,929	2,023,418	7,736,323	105,998
1857	305,487	12,501	2,902	4,846	550	29,236	—	395	157	284	184,513½	180,053	2,148,664	8,139,162	109,166
1858	342,062	13,802	2,992	5,883	653	33,236	780	415	169	295	223,295½	200,713	2,110,604	7,581,762	92,843
1859	[b] 336,572	14,415	3,295	5,642	739	32,840	753	406	177	549	247,542¾	214,684	2,190,976	5,162,671	119,701
1860	348,546	14,233	2,945	6,562	798	34,767	685	405	193	745	260,798	251,497	2,408,586	6,119,163	180,662
1861	[a] 358,278	14,681	3,222	5,343	849	37,874	820	437	184	788	297,575	233,220	2,271,923	5,615,054	146,091
1862	367,495	15,434	3,326	6,524	925	42,211	879	514	181	859	302,138½	273,389	2,620,383	6,145,651	125,541
1863	378,934	15,679	3,314	6,653	976	46,810	887	497	180	1,768	307,035	262,554	2,032,522	7,790,969	135,899
1864	392,589	16,881	3,480	6,445	1,022	48,427	975	590	174	2,084	318,854	284,567	1,924,119	8,271,520	164,154
1865	411,388	17,283	3,578	6,596	1,069	53,453	1,123	686	175	2,133	378,254½	282,587	1,961,905	8,132,511	146,901

Year.	Coal raised. Quantity.	Coal raised. Value.	Land Sales. Quantity.	Land Sales. Amount realised.	Shipping. Inwards. Number of Vessels.	Shipping. Inwards. Tonnage.	Shipping. Outwards. Number of Vessels.	Shipping. Outwards. Tonnage.	Exports, the Produce of the Colony. Wool. (Quantity.)	Wool. (Value.)	Tallow. (Quantity.)	Tallow. (Value.)
	tons.	£	acres.	£					lbs.	£	cwt.	£
1856	189,960	117,906	167,753	245,555	1,143	321,679	1,219	336,113	19,200,321	1,203,070	77,314	137,202
1857	210,434	148,158	145,102	210,333	1,100	351,413	1,204	377,147	17,044,201	1,275,067	37,574	82,134
1858	216,397	162,162	169,214	240,633	1,141	348,984	1,254	366,825	13,553,835	1,126,486	29,085	53,186
1859	308,213	204,371	135,167	252,627	1,250	363,121	1,299	387,015	16,988,016	1,458,005	17,376	37,275
1860	368,862	226,493	109,216	155,316	1,424	427,835	1,438	431,484	12,809,362	1,123,699	13,647	28,794
1861	342,067	218,820	189,936	222,594	1,327	366,236	1,391	379,460	12,745,891	1,396,426	60,638	60,816
1862	476,522	305,234	[c] 67,292	216,988	1,493	454,837	1,568	467,356	13,482,139	1,283,818	71,281	104,030
1863	433,889	236,230	[c] 92,016	128,211	1,494	479,827	1,603	511,373	14,791,849	1,262,274	17,709	31,221
1864	549,012	270,171	[c] 58,216	112,719	1,849	607,168	1,842	647,057	18,414,530	1,628,493	61,056	100,654
1865	585,525	274,303	[c] 101,350	213,240	1,912	635,888	2,120	690,294	18,764,482	1,624,114	75,810	122,270

Year.	Exports, the Produce of the Colony. Oil, &c. (Value.)	Gold. (Quantity.)	Gold. (Value.)	Coal. (Quantity.)	Coal. (Value.)	Value of Total Imports.[d]	Value of Total Exports.[d]	Revenue. General.	Revenue. Loans.	Expenditure. Ordinary.	Expenditure. Loans.
	£	ozs.	£	tons.	£	£	£	£	£	£	£
1856	25,355	42,463	138,007	84,086	65,730	5,460,971	3,430,880	1,130,014	856,539	1,146,468	688,666
1857	32,306	253,564	983,850	96,457	45,960	6,729,408	4,011,952	1,185,562	345,575	1,104,995	438,333
1858	1,450	254,907	994,960	113,649	89,200	6,059,366	4,186,277	1,379,675	76,776	1,209,796	360,770
1859	532	435,995	1,698,078	173,935	132,984	6,597,053	4,768,049	1,522,668	816,822	1,425,028	433,138
1860	136	483,012	1,876,049	233,877	183,761	7,519,285	5,072,020	1,319,779	560,729	1,321,724	726,231
1861	—	488,293	1,890,908	207,780	160,965	6,391,555	5,594,839	1,448,610	394,457	1,540,005	433,224
1862	—	699,566	2,715,037	308,782	245,422	9,334,645	7,102,562	1,628,885	644,285	1,608,810	526,708
1863	—	605,722	2,361,949	298,038	220,181	8,319,576	6,936,839	1,550,047	649,116	2,064,299	537,795
1864	—	758,109	2,952,471	372,466	212,488	9,836,042	8,117,217	[e] 1,693,792	290,983	1,862,245	464,656
1865	—	682,521	2,647,668	382,968	214,158	9,928,595	8,191,170	1,938,656[f]	298,578	1,760,516[f]	554,278

[a] The Census was taken in 1821, 2, 3, 5, 8, 33, 6; population given.
2nd March 1841, population 130,856
2nd March 1846, „ 189,609
1st March 1851, „ 187,243
1st March 1856, „ 266,189
1st March 1861, „ 350,860
The population from the year 1836 is estimated up to the end of each year.

[b] The reduction in the year 1859 was caused by the separation of Queensland from New South Wales.

[c] Exclusive of lands conditionally sold under the "Crown Lands Alienation Act of 1861."
Price of land in 1825, 7*s.* 6*d.* to 10*s.* per acre.
The minimum price of land was 5*s.* per acre, from 1832 to 1840; 12*s.* per acre, 1840-2. (20*s.* in Port Phillip in 1841). 20*s.* per acre from 1843 to present time,
Number of acres alienated to the end of 1865 (exclusive of lands conditionally selected in the Old Settled Districts), about 7,900,360 acres.
Number of acres unalienated, about 93,252,305 acres.
In 1822, 3, 4, 5, the accounts were kept in Spanish dollars and British money; generally in Spanish dollars.
Transportation ceased in 1840.
The Return of the Revenue and Expenditure previous to 1850 cannot be accurately ascertained. In addition to the above Expenditure the Imperial Government paid large sums for the maintenance of Convicts and Military.
Gold discovered in May 1851.
The Loans Expenditure previous to 1853 cannot be shown.

[d] Exclusive of the overland traffic.

[e] Includes 270,543*l.* proceeds of Treasury Bills, issued under the Act of Council, 27th Vict., No. 8, to cover deficit of 1863 and previous years.

[f] The Revenue and Expenditure columns include "Church and School Lands Revenue," "Police Reward Fund," "Police Superannuation Fund," and "Superannuation Fund, 27th Vict., No. 11.

NEW SOUTH WALES.

No. 16.

Extract from a DESPATCH from Governor the Right Hon. Sir John Young, Bart., to the Right Hon. the Earl of Carnarvon.

(No. 69.)

My Lord, Government House, Sydney, October 18, 1866.

I have the honour to forward herewith the Statistical Register of New South Wales for the year 1865 (see page 22).

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) JOHN YOUNG.

QUEENSLAND.

No. 17.

Copy of a DESPATCH from Governor Sir G. F. Bowen, G.C, M.G., to the Right Hon. Edward Cardwell, M.P.

(No. 38.) Government House, Brisbane, Queensland,

Sir, July 2, 1866.

I have the honour to transmit herewith the Statistical Register, or "Blue Book" of the Colony of Queensland for the year 1865.

2. The annual report of the Registrar-General prefixed to the statistical tables is so full, and yet so concise, that it appears necessary for me, on the present occasion, to do little more than to solicit attention to it, and especially to the tabulated statements at pages 20 and 21, which will be found to exhibit a synopsis of the condition and progress of this Colony during the first six years (1860 to 1865, both inclusive) of its political existence.

3. In the speech with which I prorogued the last session of the Queensland Parliament I summed up the results of these statistics in the following terms:—"I feel much satisfaction in renewing, on the present occasion, the congratulations on the rapid but solid progress of this Colony which I have now been enabled to address to you in closing the sessions of six successive years. Since the establishment of Queensland, in December 1859, our European population has increased from less than 25,000 to nearly 90,000; that is, it has been augmented nearly fourfold; while our revenue and our trade (including imports and exports) have been more than trebled. The other chief elements of material prosperity have advanced in almost equal proportions. During the same short period, cotton, sugar, and tobacco have been added to our lists of staple products; a line of new ports has been opened along our eastern seaboard from Keppel Bay to Cape York, a distance of 1,000 miles; while pastoral occupation has spread over an additional area at least four times larger than the area of the United Kingdom. In 1859 our settlers had hardly advanced beyond the Darling Downs to the west, or beyond Rockhampton to the north. Now, in 1865, there are stations 700 miles to the west of Brisbane, and 800 miles to the north of Rockhampton. These facts, derived from the official statistics, cannot fail to be interesting and instructive to our fellow-countrymen at home, while they must be to you, as they are to me, a subject of honest pride and of devout thankfulness."

I have, &c.

The Right Hon. Edward Cardwell, M.P. &c. &c. &c. (Signed) G. F. BOWEN.

QUEENSLAND.

REGISTRAR-GENERAL'S REPORT ON THE STATISTICAL REGISTER OF QUEENSLAND FOR THE YEAR 1865.

To the Honourable ROBERT RAMSAY MACKENZIE, Esq., Colonial Secretary, &c., &c.

SIR, Registrar-General's Office, Brisbane, June 11, 1866.

I HAVE the honour to forward to you, for presentation to Parliament, "the Statistical Register of the Colony of Queensland, for the year ending the 31st December 1865," prefaced by the following explanatory and comparative remarks on the returns contained therein:—

Parliamentary Business.

The third session of the second Parliament of Queensland was opened by his Excellency the Governor, in person, on Tuesday, the 2nd May 1865, and was prorogued by his Excellency, in person, on Thursday, the 14th September following.

During this session five Bills were originated in the Legislative Council; of these Bills two were not returned from the Legislative Assembly, one was discharged from the paper, one was withdrawn, and one received his Excellency's assent. The Legislative Council sat on 38 days.

In the Legislative Assembly 34 Bills were originated; of this number seven were discharged from the paper; two were superseded by question of "this day six months;" two were not agreed to by the Legislative Council; two were reserved by his Excellency the Governor for the signification of Her Majesty's pleasure; and the remaining 21 received his Excellency's assent. The Legislative Assembly sat on 61 days; the average daily length of each sitting being five hours and one minute.

At page 22 of the Register is to be found an alphabetical register of all the above Bills, showing in which branch of the Legislature, and by which individual member thereof, each was originated, and the manner in which it was disposed of; a detailed statement of the sessional business of the Legislative Assembly is published at page 23 of the Register.

The number of members hitherto comprising the Legislative Assembly has been 26, but by the *Additional Members Act of* 1864 this number is increased by six, making the total number 32. The number of electorates has in like manner been increased from 16 to 22. The members returned by the newly-created electorates took their seats for the first time at the commencement of the session of 1865.

Population.

ESTIMATED POPULATION of QUEENSLAND, on the 31st December 1865.

Males.	Females.	Persons.
53,297	34,478	87,775

The above estimate of the population is arrived at by adding to the assumed population of the 31st December 1864, the difference between the number of births and deaths which have been registered in the year 1865, and the number of persons who have, during the same period, entered the Colony in excess of the number who have left it. The first of these calculations is liable to error, from omissions to register births and deaths; the effect of the largest error at all likely to arise from this cause would be but small—for instance, omissions to register to the extent of 10 per cent. of all births and deaths taking place last year would occasion an error in the population of only about 150, improperly diminishing it to that extent. I need hardly point out, that any error at all approaching the above is quite out of the question.

The second of the above calculations is liable to error from the impossibility of obtaining any records of the overland traffic across the frontier of Queensland and New South Wales; at the present time I believe the balance of this traffic is slightly in favour of the latter Colony, and that, therefore, from this cause the population would be estimated a trifle larger than it should be. As it thus appears that those two principal sources of error work in opposite directions, they necessarily in a great measure neutralize each other, and, therefore, the above estimate is probably exceedingly near the truth.

The estimated mean population of the year 1865 is 80,905 persons.

A.

QUARTERLY RETURN of ADDITIONS to the POPULATION, made during the Year 1865.

	Males.	Females.	Persons.
First Quarter.			
Excess of births over deaths	102	207	309
Increase from excess of immigration over emigration	1,246	918	2,164
Increase during first quarter	1,348	1,125	2,473
Second Quarter.			
Excess of births over deaths	233	237	470
Increase from excess of immigration over emigration	778	996	1,774
Increase during second quarter	1,011	1,233	2,244
Increase during six months	2,359	2,358	4,717
Third Quarter.			
Excess of births over deaths	249	300	549
Increase from excess of immigration over emigration	3,377	2,047	5,424
Increase during third quarter	3,626	2,347	5,973
Increase during nine months	5,985	4,705	10,690
Fourth Quarter.			
Excess of births over deaths	204	238	442
Increase from excess of immigration over emigration	1,592	1,015	2,607
Increase during fourth quarter	1,796	1,253	3,049
Total increase during 1865	7,781	5,958	13,739
Estimated population on 31st December 1864	45,516	28,520	74,036
Estimated population on 31st December 1865	53,297	34,478	87,775

N.B.—The arrivals per "Great Victoria," on the 31st December 1865, 629 in number, are included in the above, although she was not reported to the Customs until the present year.

During the year 1865, 13,739 persons have been added to the population, the centesimal increase during the year being at the rate of 18·55 per cent.; of this increase, 1,770 is derived from the excess of births over deaths, and 11,969 from the balance of arrivals and departures.

An approximate idea of the distribution of the population in a few of the principal police and registration districts, on the 31st December 1865, is arrived at in the following table, and is based on the supposition that the total number of names annually enrolled in the Register Book increases in the same ratio as the population increases, and that this applies equally well to particular districts as to the whole Colony. Taking the last census as the foundation, which stated the population on the 31st December 1863, to be 61,640, this mode of calculation makes the population of 31st December 1864 to have been 75,049,—(*vide* "Statistical Register" for that year;) and on the 31st December 1865, to have been 87,482, only differing from the estimate formed in the usual manner by 293 persons. The total result being so satisfactory, good grounds exist for believing that the estimated distribution is also tolerably correct:

B.

Registration Districts.	Estimated Population on the 31st December 1864, deduced from centesimal proportion of names registered.	Centesimal increase in the number of names registered.	Estimated Population on the 31st December 1865, deduced from centesimal increase in the number of names registered.
Brisbane	23,557	25·81	29,637
Ipswich	11,939	36·15	16,254
Rockhampton	5,273	6·56	5,618
Drayton	5,369	35·29	7,263
Warwick	5,157	−10·78	4,602
Maryborough	3,727	−12·06	3,278
All other districts	20,027	4·01	20,830
Total	75,049	——	87,482

On examination of the following tables, it will be seen that the increase to the population arising from the greater number of births than of deaths, is at the rate of 2·39 per cent.; this is slightly greater than it was in the year 1864, in which year it was at the rate of 2·33 per cent.

The births of the year 1865, compared with those of the year 1864, show an increase

QUEENSLAND.

at the rate of 20·71 per cent., and the deaths of the same year, compared in the same manner, show an increase at the rate of 18·53 per cent., the latter being almost the same as the centesimal increase in population, viz., 18·55 per cent.

C.

TABLE showing the Number of BIRTHS in the Years 1864 and 1865, also the PROPORTION of FEMALES to MALES born in each Year.

District.	1864.			1865.			Total Increase* or Decrease† in the latter Year.	Increase* or Decrease† per cent. in the latter Year.	Females born to every 100 Males born in 1864.	Females born to every 100 Males born in 1865.
	Males.	Females.	Total.	Males.	Females.	Total.				
Banana	9	12	21	9	8	17	† 4	† 19·05	133·33	88·88
Bowen	—	—	—	9	7	16	† 16	—	—	—
Brisbane	569	538	1,107	705	692	1,397	*290	* 26·20	94·55	98·58
Broad Sound	4	4	8	3	5	8	—	—	100·00	166·66
Cardwell	—	—	—	3	1	4	* 4	—	—	33·33
Condamine	7	5	12	11	10	21	* 9	* 75·00	—	90·99
Dalby	46	39	85	70	60	130	* 45	* 52·95	84·78	85·71
Drayton	118	124	242	156	145	301	* 59	* 24·34	105·08	92·30
Gayndah	46	43	89	39	48	87	† 2	† 2·25	93·48	123·08
Goondiwindi	11	6	17	14	13	27	* 10	* 58·82	54·55	92·86
Ipswich	229	201	430	287	277	564	*134	* 32·55	87·77	96·52
Kennedy	21	29	50	—	—	—	—	—	—	—
Leyburn	—	—	—	7	7	14	* 14	—	—	100·00
Mackay	—	—	—	6	9	15	* 15	—	—	150·00
Mount Abundance	11	7	18	17	15	32	* 14	* 77·78	63·64	88·24
Nanango	7	9	16	9	6	15	† 1	† 6·25	128·57	66·67
North Cook	—	—	—	1	1	2	* 2	—	—	100·00
Peak Downs	4	7	11	10	12	22	* 11	*100·00	175·00	120·00
Port Curtis	19	15	34	27	14	41	* 7	* 20·59	78·95	51·85
Princhester	1	1	2	—	1	1	* 1	† 50·00	100·00	—
Rockhampton	145	145	290	166	168	334	* 44	* 15·17	100·00	101·20
St. George	—	—	—	4	10	14	* 14	—	—	250·00
Springsure	2	7	9	6	2	8	† 1	† 11·11	350·00	33·33
Surat	13	11	24	5	3	8	† 16	† 16·66	84·62	60·00
Taroom	23	16	39	10	14	24	* 15	† 38·46	69·57	140·00
Warrego	—	—	—	2	1	3	* 3	—	—	50·00
Warwick	93	110	203	85	88	173	† 30	† 14·78	118·28	13·51
Wide Bay	94	82	176	90	84	174	† 2	† 1·13	87·23	93·33
Woogaroo	—	—	—	13	15	28	* 28	—	—	115·38
Total	1,472	1,411	2,883	1,764	1,716	3,480	*597	* 20·70	95·86	97·28

D.

TABLE showing the Number of DEATHS in the Years 1864 and 1865, also the Proportion of FEMALES to MALES who died in each Year.

District.	1864.			1865.			Total Increase* or Decrease† in the latter Year.	Increase* or Decrease† per cent. in the latter Year.	Number of Deaths of Females to every 100 Deaths of Males in 1864.	Number of Deaths of Females to every 100 Deaths of Males in 1865.
	Males.	Females.	Total.	Males.	Females.	Total.				
Banana	5	2	7	10	2	12	* 5	* 71·43	40·00	20·00
Bowen[1]	—	—	—	11	4	15	* 15	—	—	36·36
Brisbane	319	245	564	400	348	748	*184	* 32·62	76·80	87·00
Broad Sound	8	2	10	3	3	6	† 4	† 40·00	†25·00	100·00
Cardwell[1]	—	—	—	8	—	8	* 8	—	—	—
Condamine	10	7	17	1	—	1	† 16	† 94·12	70·00	—
Dalby	22	6	28	17	15	32	* 4	* 14·29	27·27	88·24
Drayton	50	28	78	70	45	115	* 37	* 47·43	56·00	64·29
Gayndah	46	9	55	28	12	40	† 15	† 27·27	19·57	42·86
Goondiwindi	3	1	4	5	1	6	* 2	* 50·00	33·33	20·00
Ipswich	120	98	218	131	129	260	* 42	* 19·26	81·67	98·47
Kennedy	29	9	38	—	—	—	—	—	31·03	—
Leyburn[1]	—	—	—	2	3	5	* 5	—	—	150·00
Mackay	—	—	—	3	—	3	* 3	—	—	—
Mount Abundance	19	3	22	15	6	21	† 1	† 4·45	15·79	40·00
Nanango	4	2	6	4	—	4	† 2	† 33·33	50·00	—
North Cook[1]	—	—	—	—	1	1	—	—	—	—
Peak Downs	24	4	28	28	11	39	* 11	* 39·29	16·67	39·28
Port Curtis	7	8	15	9	5	14	† 1	† 60·60	114·29	55·55
Princhester	5	1	6	4	2	6	—	—	20·00	50·00
Rockhampton	102	56	158	112	92	204	* 46	* 29·11	54·90	†82·14
St. George	—	—	—	10	—	10	—	—	—	—
Springsure	9	4	13	6	6	12	† 1	† 7·69	44·44	100·00
Surat	7	4	11	3	2	5	† 6	† 54·54	57·14	66·66
Taroom	11	2	13	8	2	10	† 3	† 23·07	18·18	*40·00
Warrego[1]	—	—	—	9	1	10	* 10	—	—	11·11
Warwick	50	26	76	29	16	45	† 31	† 40·78	52·00	55·17
Wide Bay	50	29	79	42	28	70	† 9	† 11·39	58·00	66·66
Woogaroo	—	—	—	8	4	12	* 12	—	—	50·00
Total	900	546	1,446	976	738	1,714	*268	* 18·53	60·67	75·61

[1] New districts created by the subdivision of former districts.

E.

TABLE comparing the DEATHS of the Year 1865 with the BIRTHS of the same Year.

District.	Deaths in 1865.	Births in 1865.	Excess of Births over Deaths.	Excess of Deaths over Births.	Deaths have centesimally increased faster* or slower† than Births.
Banana	12	17	8	—	* 9·52
Bowen [1]	15	16	1	—	—
Brisbane	748	1,397	649	—	† 6·42
Broad Sound	6	8	2	—	—
Cardwell [1]	8	4	—	4	—
Condamine	1	21	20	—	† 19·12
Dalby	32	130	98	—	† 38·66
Drayton	115	301	186	—	† 23·09
Gayndah	40	87	47	—	† 25·02
Goondiwindi	6	27	21	—	† 8·82
Ipswich	260	564	304	—	† 13·29
Kennedy	—	—	—	—	—
Leyburn [1]	5	14	9	—	—
Mackay [1]	3	15	12	—	—
Mount Abundance	21	32	11	—	† 73·23
Nanango	4	15	11	—	† 27·08
North Cook [1]	1	2	1	—	—
Peak Downs	39	22	—	17	* 61·61
Port Curtis	14	41	27	—	† 40·01
Princhester	6	1	—	5	—
Rockhampton	204	334	130	—	† 13·94
St. George [1]	10	14	4	—	—
Springsure	12	8	—	4	† 3·42
Surat	5	8	3	—	† 12·12
Taroom	10	24	14	—	† 15·39
Warrego [1]	10	3	—	7	—
Warwick	45	173	128	—	† 26·00
Wide Bay	70	174	104	—	† 10·26
Woogaroo [1]	12	28	16	—	—
Total	1,714	3,480	1,766	37	† 2·37

[1] New districts created by the subdivision of former districts.

F.

TABLE showing the NUMBER of DEATHS of CHILDREN under Five Years of Age, registered in the Years 1864, 1865.

District.	1864.			1865.			Increase* or Decrease† in the Deaths of Children below Two Years of Age.	Increase* or Decrease† in the Deaths of Children Two Years of Age and under Five Years.	Total Increase* or Decrease† in the Deaths of Children below Five Years of Age.
	Below Two Years.	Two and under Five Years.	Total below Five Years.	Below Two Years.	Two and under Five Years.	Total below Five Years.			
Banana	1	—	1	2	—	2	* 1	—	* 1
Bowen	5	2	7	3	2	5	† 2	—	* 2
Brisbane	230	55	285	408	39	447	*178	† 16	†162
Broad Sound	2	2	4	1	—	1	† 1	—	3
Cardwell	1	—	1	2	—	2	* 1	—	* 1
Condamine	3	2	5	—	—	—	† 3	—	† 5
Dalby	7	2	9	9	1	10	* 2	† 1	* 1
Drayton	29	2	31	50	15	65	* 21	* 13	* 34
Gayndah	11	4	15	18	—	18	* 7	—	* 3
Goondiwindi	2	—	2	—	—	—	† 2	—	† 2
Ipswich	89	20	109	116	27	143	* 27	* 7	* 34
Leyburn	—	—	—	3	—	3	* 3	—	* 3
Mackay	—	—	—	—	—	—	—	—	—
Mount Abundance	—	2	2	7	—	7	* 7	—	* 5
Nanango	5	1	6	—	—	—	† 5	—	† 6
North Cook	—	—	—	1	—	1	* 1	—	* 1
Peak Downs	4	—	4	5	3	8	* 1	* 3	* 4
Port Curtis	5	—	5	2	—	2	† 3	—	† 3
Princhester	1	1	2	1	—	1	—	† 1	† 1
Rockhampton	57	10	67	99	15	114	* 42	* 15	* 47
St. George	3	—	3	1	—	1	† 2	—	† 2
Springsure	4	1	5	4	—	4	—	† 1	† 1
Surat	1	—	1	—	—	—	† 1	—	† 1
Taroom	4	—	4	2	—	2	† 2	—	† 2
Warrego	—	—	—	2	—	2	* 2	—	* 2
Warwick	24	9	33	11	5	16	† 13	† 4	† 17
Wide Bay	32	6	38	27	4	31	† 5	† 2	† 7
Woogaroo	—	—	—	6	—	6	* 6	—	* 6
Totals	520	119	639	780	111	891	*260	† 8	*252

QUEENSLAND.

G.

TABLE showing the NUMBER of MARRIAGES celebrated in each of the Years 1864 and 1865.

District.		Church of England.	Church of Rome.	Presbyterian.	Wesleyan Methodist.	Primitive Methodist.	United Methodist Free Church.	Congregational.	Baptist and Particular Baptist.	Lutheran.	Registration Act.	Total, 1864.	Total, 1865.
Banana	1864	—	—	—	—	—	—	—	1	—	3	4	—
	1865	—	—	—	—	—	—	—	—	—	2	—	2
Bowen	1864	2	6	14	—	—	—	—	—	—	15	37	—
	1865	No return.											
Brisbane	1864	71	79	83	24	13	12	9	9	28	26	354	—
	1865	68	100	103	24	17	3	16	19	44	30	—	424
Broad Sound	1864	—	—	—	—	—	—	—	—	—	1	1	—
	1865	—	—	—	—	—	—	—	—	—	1	—	1
Cardwell	1864	—	—	—	—	—	—	—	—	—	1	1	—
	1865	—	—	—	—	—	—	—	—	—	1	—	1
Condamine	1864	1	—	—	—	—	—	—	—	—	5	6	—
	1865	—	—	—	—	—	—	—	—	—	4	—	4
Dalby	1864	10	7	—	—	—	—	5	—	—	4	26	—
	1865	3	3	1	—	—	—	14	—	—	—	—	21
Drayton and Toowoomba	1864	6	16	3	8	—	—	15	—	9	4	61	—
	1865	14	27	14	9	—	—	14	—	10	3	—	91
Gayndah	1864	—	4	1	—	—	—	—	17	—	6	28	—
	1865	1	—	1	—	—	—	—	19	—	8	—	29
Goondiwindi	1864	—	—	1	—	—	—	—	—	—	3	4	—
	1865	2	1	—	—	—	—	—	—	—	2	—	5
Ipswich	1864	18	50	20	23	—	—	5	7	1	14	138	—
	1865	29	91	29	18	—	—	3	6	2	16	—	194
Leyburn	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	2	—	—	—	—	—	—	—	—	—	—	2
Mackay	1864	—	—	—	—	—	—	—	—	—	7	7	—
	1865	—	—	—	—	—	—	—	—	—	11	—	11
Mount Abundance	1864	—	5	—	—	—	—	—	—	—	6	11	—
	1865	—	2	—	—	—	—	—	—	—	8	—	10
Nanango	1864	1	—	—	—	—	—	—	—	—	1	2	—
	1865	—	—	—	—	—	—	—	—	—	—	—	—
North Cook	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	—	—	—	—	—	—	—	—	—	—	—	—
Peak Downs	1864	—	—	—	—	—	—	—	—	—	2	2	—
	1865	—	—	—	—	—	—	—	—	—	7	—	7
Port Curtis	1864	—	—	—	—	—	—	—	—	—	9	9	—
	1865	—	—	—	—	—	—	—	—	—	6	—	6
Princhester	1864	—	—	—	—	—	—	—	—	—	1	1	—
	1865	—	—	—	—	—	—	—	—	—	1	—	1
Rockhampton	1864	14	43	51	—	15	—	14	1	1	3	142	—
	1865	15	48	30	—	22	—	3	2	—	1	—	121
St. George	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	—	—	—	—	—	—	—	—	—	2	—	2
Springsure	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	1	—	—	—	—	—	—	—	—	3	—	4
Surat	1864	—	1	—	—	—	—	—	—	—	5	6	—
	1865	—	—	—	—	—	—	—	—	—	2	—	2
Taroom	1864	5	—	—	—	—	—	—	—	—	1	6	—
	1865	1	—	—	—	—	—	—	—	—	1	—	2
Townsville	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	—	—	—	—	—	—	—	—	—	3	—	3
Warrego	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	—	—	—	—	—	—	—	—	—	1	—	1
Warwick	1864	18	11	11	2	—	—	—	—	—	4	46	—
	1865	15	22	5	2	—	—	—	—	—	1	—	45
Wide Bay	1864	8	15	10	10	—	—	—	13	1	2	59	—
	1865	7	11	7	8	—	—	—	7	—	2	—	42
Woogaroo	1864	—	—	—	—	—	—	—	—	—	—	—	—
	1865	—	—	—	—	—	—	3	—	—	—	—	3
Total	1864	154	237	194	67	28	12	48	48	40	123	951	—
	1865	158	305	190	61	39	3	53	53	56	116	—	1,034

Referring to above Table F., it appears that the deaths throughout the whole Colony of children below two years of age are, in the year 1865, exactly 50 per cent. more numerous than they were in the year 1864. In the Registration District of Brisbane the deaths of children below two years old have increased 77·39 per cent.; in Rockhampton District, 73·68 per cent.; in Ipswich District, 30·34 per cent.; in Drayton District, 72·41 per cent. There can be very little doubt that this excessive infantine mortality is to be attributed to the large number of deaths among the children of the newly-arrived immigrants; to whatever cause attributable, there is unfortunately no doubt that the deaths of infants, extremely numerous in former years, have during the year 1865 increased by one-half. Comparing this infantine mortality with the total deaths of the Colony, it appears that out of each 100 deaths 45·51 are of children under two years of age, and 51·98, or more than one half, of children under five years old.

Immigration.

A greater number of immigrants from the United Kingdom, or from Europe, *i.e.* Germany, landed in the Colony last year, than during any former year. The following is an abstract from the Immigration returns:—

	Males.	Females.	Total.	Statute Adults.
Landed from Commissioners' ships - -	768	717	1,485	1,350
Ditto Blackwall ditto - -	5,933	3,561	9,494	8,375
Ditto German ditto - -	1,091	680	1,771	1,491
Total - - -	7,792	4,958	12,750	11,216

The contract price per statute adult paid by Her Majesty's Emigration Commissioners for the transport of emigrants to Queensland during the past year is as follows:—

	£	s.	d.	
Ship "Charlie Palmer" - -	12	16	0	per statute adult.
Ship "Hannah More" - -	12	19	3	ditto.
Ship "Lobelia" - - -	13	8	0	ditto.
Ship "Golconda" - - -	13	4	3	ditto.
Ship "Venilia" - - -	13	14	0	ditto.
The average rate being - -	13	4	3·60	ditto.

Although 12,750 persons have, according to the Immigration returns, been introduced into the Colony from Europe during the past year, it appears from the quarterly returns of arrivals and departures by sea from all quarters, compiled by the Customs, that the total gain to the population by water is only 11,969; it follows, therefore, that by inter-colonial emigration this Colony has, during the year 1865, lost about 781 persons from its population. The following is an abstract from the returns of arrivals and departures above referred to:—

H.

Table of Arrivals and Departures by Sea.

1865.	Arrivals.										Departures.										Excess of Arrivals over Departures.
	Brisbane.	Broad Sound.	Cardwell.	Mackay.	Maryborough.	Port Albany.	Port Curtis.	Port Denison.	Rockhampton.	Total Arrivals.	Brisbane.	Broad Sound.	Cardwell.	Mackay.	Maryborough.	Port Albany.	Port Curtis.	Port Denison.	Rockhampton.	Total Departures.	
Males above 14 years -	11,929	—	—	—	280	—	46	471	1,439	14,165	7,235	—	—	—	13	—	9	100	1,374	8,731	5,434
Males under 14 years -	1,463	—	—	—	30	—	6	82	173	1,754	140	—	—	—	2	—	1	5	49	197	1,557
Total Males -	13,392	—	—	—	310	—	52	553	1,612	15,919	7,375	—	—	—	15	—	10	105	1,423	8,928	6,991
Females above 14 years	4,399	—	—	—	149	—	20	295	541	5,404	1,527	—	—	—	1	—	5	33	189	1,755	3,649
Females under 14 years	1,262	—	—	—	24	—	6	101	139	1,532	154	—	—	—	1	—	2	4	42	203	1,329
Total Females -	5,661	—	—	—	173	—	26	396	680	6,936	1,681	—	—	—	2	—	7	37	231	1,958	4,978
Total Persons -	19,053	—	—	—	483	—	78	949	2,292	22,855	9,056	—	—	—	17	—	17	142	1,654	10,886	11,969

The arrivals per ship "Great Victoria," 629 in number, are included in these Returns, as she anchored in Moreton Bay on the 31st December 1865, although not reported to the Customs for some days after.

QUEENSLAND.

On the 31st December 1864 the population of the Colony consisted of 45,516 males and 28,520 females, the proportion being 62·66 females to each 100 males. On the 31st December 1865 it consisted of 53,297 males and 34,478 females, the proportion being 64·69 females to each 100 males.

The records of the Registration Office show that in the year's increase to the population, attributable to the greater number of births than of deaths, the females are in the proportion of 124·87 to each 100 males; and the Immigration tables give the following proportion of sexes in the arrivals of the year:—

Ex Commissioners' ships	-	-	93·36 females to 100 males.
Ex Black Ball ships	-	-	60·02 „ 100 „
Ex German ships	-	-	62·33 „ 100 „

The improvement observable in the proportion of the sexes is probably attributable to the smaller number of female departures than of female arrivals from the neighbouring colonies. The total results of the year's European immigration, which only gives 63·63 females to each 100 males arrived, does not add much to the former proportion of females in the Colony, and the number of births and deaths registered in the year, although the proportion of females is great, is too small materially to affect the question.

The amount of emigration remittances received by the Queensland Government during the past year was 5,620*l.* 1*s.*; this is a slight increase on the amount received in the year 1864, which was 4,911*l.* 1*s.* 4*d.*

It is very difficult to arrive at the true amount paid by this Colony for immigration; the following items will, however, form data for an approximation.

There were, during the year 1865, 1,350 statute adults landed from Commissioners ships, the average rates at which these ships were chartered being 13*l.* 4*s.* 3·60*d.* per head; to the total expenditure thus arising is to be added the sum of 3,324*l.* 19*s.* 1*d.*, being the amount debited to this Colony by Her Majesty's Emigration Commissioners, for charges and various contingent expenses paid during the above year.

The passages of immigrants forwarded by the Agent-General for emigration are paid for at the rate of 15*l.* per statute adult, and the shipowners, Messrs. Mackay and Co., who have contracted for the sole conveyance of emigrants to Queensland, have agreed to receive payment one half in cash, and one half in 18*l.* land orders, valued at 15*l.*, at which value the Government have agreed to buy them from Messrs. Mackay and Co. any time after the expiration of six months from the date of embarkation of the emigrants in part payment of whose passages they were given. The number of statute adults who arrived during the year 1865 under this system was 8,375; to the outlay thus arising must be added 12,015*l.* 4*s.* 7*d.*, being the year's cost of the Agent-General's department in the United Kingdom.

From German ships during the year 1865 have been landed 1,491 statute adults, for each of whose passages an 18*l.* land order has in each case been paid, without any further expense being incurred on their account.

If to the various sums expended as above be added the year's expenditure of the Immigration Department in Queensland, amounting, exclusive of buildings, to 12,410*l.* 18*s.* 1*d.*, a tolerably correct idea may be formed of the sum expended on immigration during the year 1865.

It may, however, be remarked that up to the 31st December 1865 the Government had not been called on by Messrs. Mackay and Co. to redeem any of the land orders issued to them in payment for immigrants landed from their ships. They have doubtless sold them at a higher price than the Government is bound to buy them at, and have probably been received by the Treasury in payment for land purchased from the Crown. In other words, they have been redeemed by a land payment instead of a cash payment.

Education.

The returns compiled by the General Inspector of Primary Schools, under the supervision of the Board of General Education, *vide* page 92 of the Register, show a considerable increase, both in the number of schools and of pupils attending. In the year 1864 the number of schools open was 24, with a daily average attendance of pupils amounting to 2,171·5; in the year 1865 the schools numbered 31, and the average attendance of pupils was 2,981·4, the increase in the latter being at the rate of 37·31 per cent.

The total expenditure, exclusive of the cost of buildings on account of the above schools, in 1865, was 6,598*l.* 9*s.* 9*d.*; the average cost per head of pupils being 2*l.* 4*s.* 3·24*d.*

In 1864 the total expenditure was 4,673*l.* 19*s.* 4*d.*, being at the rate of 2*l.* 3*s.* 0·69*d.* per head.

The return of private schools shows a slight increase on the number of the year 1864, the relative number of schools being, in 1864, 65; in 1865, 70; and the number of pupils being, in 1864, 2,408; in 1865, 2,708. In spite of the favourable aspect of the above figures, there are many districts without any schools, and children in great numbers are growing up in the distant parts of the Colony in the greatest ignorance. This seems, under existing circumstances, to be an almost irremediable evil, only to be cured in time by a denser population. It will be recollected that a population of less than 100,000 souls is now sparsely scattered over a territory five times larger than the United Kingdom.

A large proportion of the schools under the supervision of the Board of General Education, and the most numerously attended, are situated within the boundaries of the police districts of Brisbane and Ipswich. If they be deducted from the total numbers, the remainder scattered over the other parts of the Colony are few indeed in number:—

	Schools.	Average Attendance.
Police District of Brisbane - - - - -	12	1,523·8
Police District of Ipswich - - - - - -	5	42·9
Total - - - - - -	17	1,966·7

Leaving only 14 schools, with an average attendance of 1,014·7 pupils for the remainder of the Colony.

Crime.

RETURN of PERSONS TRIED, ACQUITTED, or CONVICTED before the CENTRAL CRIMINAL or CIRCUIT COURTS, in the Year 1865.

Offences.	Brisbane.	Ipswich.	Toowoomba.	Maryborough.	Rockhampton.	Acquitted.	Convicted.	Total Tried.
Murder - - -	1	—	—	1	1	1	2	3
Other offences against the person	9	5	6	—	6	9	17	26
All other offences - -	25	14	23	10	35	27	80	107
Total - -	35	19	29	11	42	37	99	136

RETURN of PERSONS taken into CUSTODY, COMMITTED for TRIAL, CONVICTED SUMMARILY, or DISCHARGED by the COURTS of PETTY SESSIONS throughout the Colony, in the Year 1865.

	Taken into Custody.	Committed for Trial.	Convicted Summarily.	Discharged.	Total.
For offences against person - - -	379	53	199	127	379
For offences against property - - -	845	148	334	363	845
For breaches of Merchant Seamen's Act -	160	—	136	24	160
For offences under Master and Servant's Act -	91	—	55	36	91
For drunkenness - - - -	2,646	—	2,076	570	2,646
For vagrancy - - - -	463	—	362	101	463
All other offences - - - -	501	13	334	154	501
Total for the Year - -	5,085	214	3,496	1,375	5,085

QUEENSLAND.

A great addition will be observed to have taken place in the number of persons tried before the Central Criminal or Circuit Courts. In 1864 the number was 94; in 1865 it was 136, the increase in the latter year being at the rate of 44·68 per cent. It will also be observed that a far larger proportion of persons tried were found guilty in the latter than in the former year, the convicted being in the one instance in the proportion of 72·8, and in the other 64·89, per cent. of the persons tried. The proportion which the number of persons finally convicted by the Central Criminal or Circuit Courts bears to the number committed by the Courts of Petty Sessions to take their trials before those tribunals was, in 1864, 34·46 per cent.; in 1865 it was 46·26 per cent. The number of persons tried for offences against the person, including murder, is within one the same in each of the years 1864 and 1865. To those tried, therefore, each year for other offences, viz., offences against property, is to be attributed all the increase already pointed out in the number of persons tried.

The number of persons taken into custody by the police, and dealt with by the Courts of Petty Sessions, has for the last three years regularly and greatly increased. In 1863 the proportion of persons taken into custody was 5·44 to each 100 persons in the Colony; in 1864 the proportion was 5·73 to each 100 persons; in 1865 the proportion was 5·79. Numerically, the increase in persons taken into custody during the latter year is 1,207; the total number in 1865 being 5,085. Of these 3,496 were summarily convicted, 214 were committed to take their trials before the higher courts of the Colony, and 1,375 were discharged.

Of the total number of persons taken into custody 124 have received superior educations, 4,065 can read and write, 225 can read only, and 671 can neither read nor write.

A further increase has taken place in the number of licensed public-houses. In 1864 the total number in the Colony was 347; in 1865 it was 365; the largest proportion of this increase is to be found in the police district of Brisbane, where the number has risen from 90 to 102.

Banks.

By reference to the following table it will be seen that the aggregate number of notes in circulation by all the banks on the last quarter of the year 1865, represented the sum of 181,615*l.* 2*s.* 4*d.* This is an increase on the corresponding quarter of the year 1864 of 43,815*l.* 18*s.* 11*d.*, the centesimal rate of increase being 31·79 per cent. It further appears that bills in circulation have increased by the sum of 2,661*l.* 19*s.* 4*d.*, or at the rate of 11·88 per cent.; that deposits have increased by the sum of 13,758*l.* 9*s.* 5*d.*, or at the rate of 1·82 per cent.; that coin has increased by the sum of 14,513*l.* 15*s.* 5*d.*, or at the rate of 8·13 per cent.; that bullion has diminished by the sum of 8,119*l.* 18*s.* 6*d.*, at the rate of 60·09 per cent.; and that discounts have increased by the very large sum of 452,019*l.* 9*s.* 3*d.*, or at the rate of 28·70 per cent. To estimate these changes more accurately, it must be borne in mind that the population has increased during the same year, 1865, at the rate of 18·55 per cent.

TABLE comparing the aggregate LIABILITIES and ASSETS of the COLONIAL BANKING ESTABLISHMENTS at the TERMINATION of each QUARTER of the Years 1860, 1861, 1862, 1863, 1864, 1865.

		LIABILITIES.					ASSETS.					
Quarters of the Year.	Year.	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Notes and Bills of other Banks.	Balances due from other Banks and Branches.	Notes and Bills discounted, and all other Debts due to the Banks.	Total Assets.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d	£ s. d.
First Quarter	1860	32,734 16 6	2,419 7 7	57,161 1 5	166,574 10 6	258,889 16 0	52,677 3 1	Nil.	7,172 5 2	4,804 18 8	1,166 11 5	390,250 8 9	456,071 7 1
	1861	46,975 11 8	2,889 5 2	52 18 1	310,842 6 3	360,760 1 2	66,225 3 4	51 8 6	14,235 17 7	1,290 15 10	5,374 10 8	558,895 5 5	596,073 1 4
	1862	78,110 10 1	5,710 7 5	726 13 2	310,843 1 1	395,390 11 9	86,015 14 5	113 15 3	19,491 5 1	1,860 1 2	5,965 10 8	630,686 12 11	744,132 19 6
	1863	89,165 12 10	9,971 0 0	102,634 19 3	368,348 19 11	570,120 12 0	108,455 19 4	Nil.	27,283 12 4	3,917 3 1	2,226 7 11	789,239 8 3	931,122 10 11
	1864	122,916 3 4	16,126 13 3	180,371 18 10	568,318 9 7	887,733 14 5	160,162 3 4	553 18 1	36,007 8 10	8,579 12 1	7,694 16 1	1,234,653 16 10	1,447,651 15 3
	1865	172,615 16 3	20,320 7 2	19,271 12 10	754,360 7 10	966,567 14 1	177,809 17 6	19,222 2 11	41,671 10 0	15,746 7 6	12,292 18 6	1,630,792 6 0	1,897,535 2 5
Second Quarter	1860	35,744 19 11	2,596 7 10	47 17 1	182,435 4 5	220,824 9 3	58,385 2 11	39 11 5	7,946 19 0	1,694 19 11	2,844 16 1	420,138 16 4	491,050 5 8
	1861	52,143 9 2	3,451 3 7	778 10 0	267,351 16 8	323,724 19 5	71,292 1 7	43 12 6	16,363 6 10	1,672 9 8	6,901 19 2	504,818 1 4	611,091 11 1
	1862	80,773 11 5	7,284 14 11	595 11 5	314,769 17 11	403,423 15 8	90,691 5 3	Nil.	21,415 9 10	2,477 7 8	4,149 1 11	652,029 8 4	770,762 13 0
	1863	93,078 5 5	12,983 12 9	1,880 15 7	412,591 16 7	520,534 10 4	114,641 6 6	Nil.	29,197 6 9	4,248 13 11	2,334 8 8	891,873 7 11	1,042,295 3 9
	1864	129,518 19 5	20,398 15 6	16,436 18 0	675,020 15 1	841,375 8 0	206,064 15 1	1,372 14 7	35,820 17 11	7,881 2 7	11,849 3 4	1,286,689 3 2	1,549,677 16 8
	1865	170,209 17 8	23,055 2 1	24,318 4 10	756,613 13 11	971,196 18 9	180,961 17 11	7,561 1 5	44,901 2 9	10,669 5 6	14,910 12 9	1,674,249 3 5	1,933,253 3 9
Third Quarter	1860	39,963 3 5	7,920 3 3	18 7 8	236,337 5 0	284,238 19 4	61,289 13 10	86 8 1	11,996 18 3	1,289 11 11	4,730 17 11	472,537 11 4	551,931 1 4
	1861	56,773 6 3	3,617 13 0	5,024 9 1	266,700 10 9	332,115 19 1	78,869 2 2	46 1 4	16,475 6 1	1,548 4 1	4,325 4 6	590,308 7 10	691,572 6 0
	1862	79,599 11 5	18,468 15 7	941 17 11	344,542 14 3	443,552 19 2	96,166 2 4	Nil.	21,709 0 11	2,337 18 6	5,813 6 1	683,862 15 9	809,889 3 7
	1863	98,201 7 10	20,382 3 9	7,007 9 1	435,877 1 2	561,468 1 10	117,332 16 5	8 7 4	32,118 7 4	3,913 12 5	5,425 18 3	998,726 19 5	1,157,526 1 2
	1864	141,629 16 3	28,180 0 7	25,433 4 3	672,435 19 11	867,679 1 0	201,904 19 10	6,256 4 7	36,022 1 8	8,615 15 6	13,592 16 3	1,427,928 7 2	1,694,320 5 0
	1865	174,394 4 10	21,154 15 6	26,996 9 5	780,845 3 6	1,013,390 13 3	196,134 19 1	4,810 6 9	49,159 17 10	8,201 0 8	17,493 0 5	1,858,005 19 10	2,133,805 4 7
Fourth Quarter	1860	42,765 11 8	2,473 18 11	17 2 10	286,917 1 4	332,173 14 9	63,843 6 7	43 14 11	13,749 18 8	1,293 14 9	4,870 4 4	490,860 2 5	574,661 1 8
	1861	63,104 12 4	4,499 17 5	323 5 3	322,310 5 5	390,238 0 5	84,916 8 6	40 8 6	18,016 0 7	1,527 7 3	8,101 16 1	618,315 18 1	730,917 19 0
	1862	87,103 4 10	11,903 6 0	2,083 17 4	341,155 8 8	442,245 16 10	105,268 11 6	Nil.	25,538 9 8	2,286 14 1	4,107 1 10	751,678 5 10	888,879 2 11
	1863	107,634 1 10	14,351 5 10	4,189 16 5	472,765 16 0	598,941 0 1	128,632 4 1	1,253 7 6	34,542 6 1	8649 0 2	6,894 18 1	1,055,989 5 3	1,235,961 1 2
	1864	137,799 3 5	22,398 11 11	11,057 8 4	757,153 19 4	928,409 3 0	178,503 11 0	13,510 0 3	38,874 19 11	17,201 16 11	6,504 0 8	1,571,188 5 9	1,825,782 14 6
	1865	181,615 2 4	25,060 11 3	23,336 9 11	770,912 8 9	1,000,924 10 0	193,017 6 5	5,390 1 9	52,532 5 10	9,118 6 3	18,195 5 0	2,023,207 15 0	2,281,461 0 3

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Crown Lands.

The following is a return of Crown Lands sold, granted, or leased during the year 1865 :—

	A.	R.	P.
Sold by auction	36,058	0	22·8
Sold without public competition	102,796	3	38
Sold within agricultural reserves	6,944	2	18
Total sold in 1865	145,799	2	38·8
Leased during the year[1]	7,578	2	39
Granted for special purposes	933	1	28

[1] Note.—Lands situated within agricultural reserves.

Compared with the sales of Crown Lands effected in the year 1864, the above return shows an increase in the sales effected in the year 1865 of 5,985 acres 1 rood 18·1 perches, being at the rate of 4·28 per cent.; the money realized by the sale of Crown Lands in each of the above years is as follows :—

1864	£210,725	18	5
1865	224,403	15	6
Increase in 1865	£13,677	17	1

being at the rate of 6·09 per cent.

The following table shows the quantity of land sold by public auction in each Commissioner's district in each of the years 1864 and 1865 :—

	Moreton.	Darling Downs.	Port Curtis.	Wide Bay and Burnett.	Kennedy.	Leichhardt.	Maranoa.	Total.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.
1864	25,508 1 23½	5,652 2 22½	4,809 0 13½	1,518 0 21	3,676 0 33	9 0 0	21 0 0	41,194 1 33¼
1865	23,435 0 39·05	5,967 2 0¼	1,850 3 29	2,038 0 11	2,261 0 39	237 2 14	267 2 10½	36,058 0 22·8

It appears that 5,136 acres 1 rood 10·45 perches less land was sold by auction in the year 1865 than in the year 1864, but, on the other hand, the non-competitive purchases of the year 1865 exceeded those of the year 1864 by 11,121 acres 2 roods 29·5 perches.

The total quantity of land within the Colony of Queensland alienated in fee by the Crown since the foundation of the Colony was, on the 31st December 1864, 355,249 acres 1 rood 0·75 perches; if to this quantity be added the quantity alienated last year, the total quantity in fee since the foundation of the Colony, to the 31st December 1865, will be 501,982 acres 1 rood 27·55 perches. The total quantity of land alienated in fee by the Crown before and since separation, up to the 31st December 1865, is 580,034 acres 1 rood 32·3 perches, of this quantity, 426,833 acres 1 rood 10·2 perches is under the provisions of the "Real Property Act of 1861."

Shipping.

It will be seen by reference to the following table, that a large increase has taken place during the year 1865 in the number and tonnage of ships trading to and from the Colony of Queensland :—

Year.	Entered inwards.			Cleared outwards.		
	Ships.	Tonnage.	Crews.	Ships.	Tonnage.	Crews.
1864	431	129,687	9,265	396	116,702	8,352
1865	497	173,227	12,294	488	167,153	11,791
Numerical increase	66	43,540	3,029	92	50,451	3,439
Centesimal increase	15·31	33·57	32·69	23·23	43·23	41·17

The nationality of the ships trading to and from Queensland, during the year 1865, is distinguished in the following table:—

Nationality.	Entered inwards.			Cleared outwards.		
	Ships.	Tonnage.	Crews.	Ships.	Tonnage.	Crews.
Great Britain	47	38,305	1,411	37	30,194	797
Germany	7	3,575	112	7	3,575	104
British Possessions	443	131,347	10,771	443	132,141	10,862
South America	—	—	—	1	1,243	28
Total	497	173,227	12,294	488	167,153	11,791

And the country from or to which the above ships have arrived or departed is as follows:—

Countries whence arrived, or whither departed.	Entered inwards.			Cleared outwards.		
	Ships.	Tonnage.	Crews.	Ships.	Tonnage.	Crews.
Great Britain	42	37,699	1,378	6	4,573	133
Germany	5	3,142	92	—	—	—
New South Wales	391	121,890	10,334	427	134,766	10,851
Victoria	12	2,061	98	11	1,397	75
Tasmania	18	2,624	129	5	844	36
South Australia	20	3,560	164	2	243	13
New Zealand	5	1,651	68	6	2,367	93
New Caledonia	2	245	13	1	103	9
South America	1	227	10	14	15,363	335
India, British	—	—	—	1	930	30
Singapore	—	—	—	5	2,540	81
Ceylon	—	—	—	1	1,920	39
China	—	—	—	2	711	27
South Sea Islands	—	—	—	1	20	6
Navigator's Islands	—	—	—	1	366	12
Dutch East Indies	—	—	—	2	209	18
Bird Island	1	128	8	—	—	—
Guam	—	—	—	3	801	33
Total	497	173,227	12,294	488	167,153	11,791

Trade.

The estimated value of the total imports and exports to and from the Colony of Queensland, during the year 1865, is as follows:—

Imports	£2,505,559
Exports	1,153,464
Total Trade	£3,659,023

Compared with the trade of 1864, the imports of the year 1865 show an increase in their estimated value of 237,605*l.*, being at the rate of 10·47 per cent. Exports, on the other hand, show a decrease of 93,590*l.*, being at the rate of 7·50 per cent. The total trade has increased by 134,015*l.*, being at the rate of 3·80 per cent.

The above diminution in the last year's exports is traceable to the comparatively small quantity of wool shipped. This, as the number of sheep has by no means diminished, is probably to be accounted for, either by delays in its carriage to the several ports of shipment, occasioning considerable quantities to be shipped after the 31st December 1865—when it would, of course, be thrown into the shipments of the year 1866—or to a larger quantity of wool in grease having been shipped in 1864 than in 1865. Unfortunately under existing regulations, there appears to be much difficulty in distinguishing between the shipment of greasy or of washed wool. Until means are taken to enable this distinction to be made, the returns of the export of that staple will be more or less unreliable, the greater weight and smaller value per pound of unwashed than of washed wool disturbing the calculations. An examination of the shipments of wool for the last three years, as given in the following table, shows pretty conclusively that, either from delays in the shipments properly belonging to the year 1863, or in greater promptitude than usual in

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those in 1864, or from the preponderence of greasy wool in the latter year, that year is credited with more than its due proportion of the three years' produce of wool.

EXPORTS of WOOL.

Years.	To Great Britain.		To New South Wales.		Total.	
	lbs.	£	lbs.	£	lbs.	£
1860 - -	—	—	5,007,167	444,188	5,007,167	444,188
1861 - -	1,415,991	109,425	5,578,042	503,649	6,994,033	613,074
1862 - -	2,522,662	195,506	5,540,950	431,676	8,063,612	627,182
1863 - -	2,502,064	213,688	8,166,980	563,088	10,669,044	776,776
1864 - -	3,932,715	337,818	10,074,074	699,845	14,006,789	1,037,663
1865 - -	2,507,579	197,826	9,744,262	687,473	12,251,841	885,299

The value of the exports from, and of the imports to, each port in the Colony is distinguished in the following table :—

Port.	Exports.	Imports.	Total Trade.
	£	£	£
Brisbane - - -	718,193	1,971,154	2,689,347
Cleveland Bay - -	8,145	570	8,715
Port Denison - -	33,163	103,100	136,263
Port Curtis - -	46,215	19,278	65,493
Port Hinchinbrook -	—	—	—
Maryborough - -	73,226	84,797	158,023
Rockhampton - -	274,522	326,660	601,182
St. Lawrence - -	—	—	—
Pioneer River - -	—	—	—
Total - -	1,153,464	2,505,559	3,659,023

Wool is the only export of Queensland produce which does not show a considerable increase in the Customs returns for the year 1865. This will be seen by reference to the following table of the respective quantities of colonial produce exported in each of the years 1864 and 1865 :—

—	1864.	1865.	Increase.	Centesimal Increase.
Arrowroot - - lbs.	5,343	12,141	6,798	127·23
Cotton - - - lbs.	38,730	145,820	107,090	276·50
		cwts. qrs.	cwts. qrs.	
Copper Ore - - cwt.	29	4,424 1	4,395 1	15,155·17
	ozs. dwts. grs.	ozs. dwts. grs.	ozs. dwts. grs.	
Gold Dust - ozs.	22,037 5 22	25,338 17 16	3,301 11 18	10·44
Hides - - No.	32,457	45,511	13,054	40·23
		tons cwts. qrs.	tons cwts. qrs.	
Tallow - - - tons	1,137	1,940 0 2	803 0 2	70·62
Wool - - - lbs.	14,006,789	12,251,841	1,754,948	A decrease.

The following table gives the trade of Queensland for the last six years, that is, from the first year of the Colony's foundation to the 31st December 1865, distinguishing the

countries with which it is carried on, and showing the annual per-centages of increase or decrease :—

I.

TOTAL VALUE in Sterling of the IMPORTS and EXPORTS of the COLONY of QUEENSLAND, from and to each Country, in the Years 1860, 1861, 1862, 1863, 1864, and 1865.

—	Year.	Imports therefrom.	Exports thereto.	Increase per cent.* or Decrease per cent.†	
				Imports.	Exports.
		£ s. d.	£. s. d.	£	£
Great Britain	1860	56,730 0 0	—	—	—
	1861	90,905 0 0	119,515 0 0	* 60·24	—
	1862	215,509 0 0	238,553 0 0	*137·07	* 99·60
	1863	365,093 0 0	233,392 0 0	* 69·41	† 21·63
	1864	506,697 0 0	354,636 0 0	* 38·79	* 51·95
	1865	713,545 0 0	240,550 0 0	* 40·82	† 32·17
Australian Colonies and New Zealand	1860	523,165 0 0	161,546 0 0	—	—
	1861	874,797 13 11	589,633 15 0	* 67.21	*264·99
	1862	1,100,935 0 0	550,839 0 0	* 25·85	† 6·58
	1863	1,335,606 0 0	649,299 0 0	21·32	* 17·87
	1864	1,746,871 0 0	892,320 0 0	* 30·79	
	1865	1,783,737 0 0	912,824 0 0	* 2·11	* 2.29
Germany	1860	—	—	—	—
	1861	1,180 0 0	—	—	—
	1862	4,688 0 0	—	* 29·73	—
	1863	12,539 0 0	—	* 16·53	—
	1864	7,370 0 0	—	† 41·22	—
	1865	8,277 0 0	—	* 12·30	—
India, China, Ceylon, Batavia, Penang, and Guam.	1860	—	311 0 0	—	—
	1861	—	450 0 0	—	* 44·69
	1862	3 0 0	1,876 0 0	—	*316·89
	1863	—	4,521 0 0	—	*140·99
	1864	—	94 0 0	—	† 97·92
	1865	—	13 0 0	—	† 86·17
South America	1860	—	—	—	—
	1861	—	—	—	—
	1862	—	1,968 0 0	—	—
	1863	—	706 0 0	—	† 64·13
	1864	6,880 0 0	4 0 0	—	† 99·43
	1865	—	77 0 0	—	—
New Caledonia	1860	—	311 0 0	—	—
	1861	—	—	—	—
	1862	2,394 0 0	—	—	—
	1863	—	—	—	—
	1864	36 0 0	—	—	—
	1865	—	—	—	—
South Sea Islands and Coral Sea Fishery.	1860	—	—	—	—
	1861	1,068 0 0	—	—	—
	1862	—	—	—	—
	1863	25 0 0	463 0 0	—	—
	1864	100 0 0	—	*300·00	—
	1865	—	—	—	—
Totals	1860	742,023 0 0	523,476 0 0	—	—
	1861	967,950 13 11	709,598 15 0	* 30·45	* 35·56
	1862	1,323,509 0 0	793,236 0 0	* 36·73	* 11·79
	1863	1,713,263 0 0	898,381 0 0	* 29·45	* 11·99
	1864	2,267,954 0 0	1,247,054 0 0	* 32·38	* 40·37
	1865	2,505,559 0 0	1,153,464 0 0	* 10·48	†7·55

Live Stock.

RETURN of the LIVE STOCK in the Colony of QUEENSLAND on the 31st December 1865.

Horses.	Horned Cattle.	Sheep.	Pigs.
51,091	887,856	6,810,005	14,888

The difficulty of collecting the Live Stock returns increases yearly, and the above must only be looked upon as an approximation, the true numbers being probably greater.

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In some districts the distances to be travelled by the collectors are so great, and the police, who are directed to perform this duty, are so few in number, that it is almost, if not quite, impossible to collect the returns by personal application within any reasonable time. Unfortunately, also, in these distant districts, communication by post with the various stations is uncertain, and the forms so forwarded, even if they do reach their destination, are very apt, if not actually called for, to be treated as waste paper by the owners or resident managers of stations. Even in those cases where the information is supplied, lengthened periods often elapse before an opportunity presents itself of forwarding it to the nearest Post Office; the necessary result is that the returns from many districts are incomplete, and in some instances quite wanting.

I have, at page 96 of the Register, compiled the usual return from the imperfect materials at command, as it may be of use for some of the districts; but the total number of cattle and sheep in the Colony, given above, I have obtained from returns forwarded to the Treasury in compliance with the provisions of the two Queensland Acts of Parliament, 25 Victoria, No. 21, and 27 Victoria, No. 2. These returns are made on oath, and a penalty for non-compliance renders them more reliable than the returns collected for the Register. It must, however, be remembered that these returns are only to the 1st July of each year. As regards the other two items, viz., horses and pigs, I have to rely solely on the returns forwarded to me; they are, fortunately, of less importance than the others, and are also from several causes more likely to be correct.

Imperfect as the returns above alluded to confessedly are, they still show a large increase on the live stock of the year 1864, the number of horses being 51,091 against 40,678; numerical increase in the year 1865, 10,413; centesimal increase in the same period, 25·59 per cent. The number of cattle being 887,856 against 882,073; numerical increase in the year, 5,783; centesimal increase in the same period, 0·65 per cent. The number of sheep being 6,810,005 against 5,665,334; numerical increase in the year, 1,144,671; centesimal increase in the same period, 20·20 per cent.

The following table compares the live stock in the several districts of the Colony in the two years 1864 and 1865:—

TABLE showing the NUMBER of LIVE STOCK in the COLONY of QUEENSLAND in the Years 1864 and 1865.

District.	1864.				1865.			
	Horses.	Cattle.	Sheep.	Pigs.	Horses.	Cattle.	Sheep.	Pigs.
Banana	902	5,148	261,127	62	895	5,610	278,122	74
Brisbane	3,508	34,267	6,974	3,750	5,458	59,530	4,493	5,623
Condamine	546	7,427	82,251	17	566	8,025	98,466	15
Dalby	1,887	23,918	531,047	201	2,099	24,993	685,897	335
Drayton and Toowoomba	3,426	31,817	565,218	1,074	3,892	19,009	521,079	1,526
Gayndah	2,631	66,530	604,816	228	3,239	75,362	744,922	202
Gladstone	1,352	55,816	14,200	289	1,520	48,858	56,406	454
Goondiwindi	1,180	27,022	98,668	236	3,960	31,726	122,076	276
Ipswich	6,539	99,824	143,433	2,663	7,098	112,429	115,575	2,339
Kennedy, North and South	1,559	60,346	325,769	192	1,930	56,788	335,904	342
Maranoa East (Surat, &c.)	797	57,113	143,538	3	535	30,624	142,161	30
Maranoa West (St. George, &c.)	2,042	101,220	242,938	31	2,972	101,430	176,773	46
Maryborough	2,533	117,734	90,289	681	1,384	76,730	44,020	263
Mitchell[1]	153	2,577	59,092	—	331	5,297	148,581	—
Nanango	1,484	22,911	76,718	29	1,493	28,003	120,621	74
North Cook	—	—	—	—	21	300	45	20
Peak Downs	509	6,206	261,168	—	1,178	9,264	490,086	139
Princhester	593	27,483	26,953	92	517	19,313	57,779	158
Rockhampton	1,867	32,389	215,280	765	2,836	27,399	299,532	1,411
Roma[2]	679	9,929	439,395	—	679	9,929	439,395	—
Springsure	1,076	21,407	508,477	26	1,021	7,770	456,419	30
Taroom	1,207	9,949	432,079	28	1,117	8,846	372,051	8
Warrego[3]	699	20,725	85,228	—	2,500	41,072	372,312	5
Warwick	3,509	40,315	450,676	1,699	3,850	40,039	512,251	1,518
Total	40,678	882,073	5,665,334	12,066	51,091	—	—	14,888

[1] The Returns from 11 Stations in this District are yet outstanding.
[2] No Returns having been received from Roma, the numbers given are repeated from the returns of 1864.
[3] The Returns from this District are incomplete. 9 Stations are reported as temporarily abandoned, owing to scarcity of water.

On the 31st December 1864, the amount of money secured by mortgage on live stock in the Colony was 3,474,673*l.*, and the quantity of stock pledged as security was —sheep, 5,014,633; cattle, 549,938; horses, 34,980. To the above sum thus secured must now be added, as the result of the year's operations, the sum of 1,240,091*l.* 18*s.* 3*d.*, secured on 1,550,889 sheep, 203,376 cattle, 5,435 horses. The total amount secured on

mortgages of live stock on the 31st December 1865 is, therefore, 4,714,764*l.* 18*s.* 3*d.*; and the number of stock pledged as security is—sheep, 6,565,522; cattle, 753,314; and horses, 40,415.

The liens on wool of the ensuing clip registered during the year 1865 are 140 in number; the amount borrowed on this security is 359,790*l.* 15*s.* 7*d.*, and the number of sheep whose wool is pledged is 2,030,711. In the year 1864, the respective numbers were,—liens, 115; amount borrowed, 304,821*l.* 2*s.* 2*d.*; number of sheep, 1,781,782.

Agriculture.

The total quantity of land under cultivation on the 31st December 1865, appears by the following return to be 14,414 acres 1 rood 39 perches; this is an increase of 2,407 acres 3 roods 2 perches on the total quantity in the year 1864; the centesimal rate of increase is 20·05. The crops which have increased most largely, are maize, sugar-cane, and fodder, both green and dry, and the districts which have contributed in the greatest degree to this increase are Brisbane, Drayton, Toowoomba, and Warwick. The following table gives in detail full particulars of the various crops under cultivation, and of the districts where cultivated, for both of the years 1864 and 1865:—

L.

COMPARATIVE VIEW of the STATE of AGRICULTURE in each DISTRICT of QUEENSLAND, for the Years 1864 and 1865.

District.		Wheat.	Maize.	Barley.	Oats.	Millet.	Potatoes.	Arrow-root.	Cotton.	Sugar-cane.	Tobacco.	Dry Fodder.	Green Fodder.	Gardens.	Vineyards.	Total.
		a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.
Banana	1864	—	—	—	—	—	—	—	—	—	—	—	—	7 3 0	—	7 3 0
	1865	—	2 2 0	—	—	—	—	—	—	—	—	—	—	3 2 0	1 0 0	7 0 0
Bowen, Mackay, and Waverley	1864	—	3 0 0	—	—	0 1 0	2 0 0	—	—	0 0 8	—	10 0 0	6 0 0	5 2 0	0 3 0	27 2 8
	1865	—	43 0 1	—	8 0 0	7 0 0	—	0 2 0	4 0 0	20 1 0	—	—	10 0 0	13 2 0	0 2 0	106 3 1
Brisbane	1864	0 2 0	1,856 1 1	13 1 0	47 0 1	9 2 0	610 2 32	41 2 39	117 2 10	80 3 0	5 0 20	261 3 0	157 1 20	439 2 22	42 0 0	3,683 0 25
	1865	18 0 0	2,078 2 20	13 1 0	88 0 0	6 1 0	526 1 5	9 1 26	249 0 12	316 0 20	2 1 5	560 3 0	172 0 0	493 2 10	41 1 10	4,574 3 28
Condamine, Goondiwindi, and Charleville	1864	1 0 0	15 1 30	3 2 0	—	—	9 0 26	0 0 10	0 0 20	—	—	—	—	13 0 0	11 0 0	53 1 6
	1865	—	3 0 0	—	0 2 0	—	3 1 0	—	—	—	—	—	—	7 2 0	1 0 10	14 3 10
Dalby	1864	—	11 0 0	—	1 0 0	0 2 0	2 3 0	—	0 2 0	—	—	14 0 0	0 2 0	16 2 6	2 2 0	49 1 6
	1865	—	21 0 32	—	—	—	1 1 32	—	—	—	—	2 2 0	1 2 0	24 2 0	5 3 0	56 3 22
Drayton and Toowoomba	1864	163 1 0	810 2 0	4 1 0	16 1 0	—	367 0 10	0 3 15	1 0 0	—	2 0 16	96 1 24	31 0 0	85 2 5	22 3 16	1,601 0 6
	1865	238 2 20	1,086 3 28	19 1 20	26 2 0	—	381 1 26	0 1 30	—	0 0 10	2 2 1	149 3 0	127 2 0	49 2 7	21 1 24	2,103 3 36
Gayndah	1864	—	31 2 10	—	6 0 0	0 2 0	11 2 31	—	—	—	—	18 0 0	5 1 0	29 3 1	4 0 5	106 3 7
	1865	—	33 1 0	5 2 0	5 0 0	0 1 0	14 0 20	—	0 1 0	—	—	9 0 0	13 3 0	32 0 1	3 2 0	116 2 21
Gladstone	1864	—	2 2 0	—	—	—	2 0 0	—	9 0 0	—	0 3 0	—	—	58 0 8	—	72 1 8
	1865	—	18 2 0	—	—	—	1 1 0	0 1 0	7 0 0	0 0 2	—	—	—	66 3 23	—	93 3 25
Ipswich	1864	1 3 0	774 1 4	4 3 0	66 3 3	4 3 0	105 0 18	2 3 14	303 1 10	—	6 1 27	342 0 0	114 0 0	183 0 8	16 1 35	1,925 1 39
	1865	2 2 0	692 3 20	13 3 0	111 2 0	2 0 0	63 2 20	1 0 0	180 1 0	—	2 0 0	388 1 0	76 0 0	145 3 1	3 3 20	1,683 1 21
Logan	1864	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	1865	—	328 1 0	1 2 0	5 0 0	—	122 2 0	0 1 0	29 0 0	—	2 1 0	—	—	16 2 12	1 0 0	506 1 12
Nanango	1864	—	17 0 0	—	2 0 0	—	1 0 22	—	—	—	—	32 0 0	18 0 0	7 3 0	0 2 0	78 1 22
	1865	—	22 2 0	—	16 0 0	—	1 0 0	—	—	—	—	13 0 0	5 0 0	8 0 0	1 2 0	67 0 0
Princhester	1864	—	22 0 0	—	—	—	10 2 0	—	—	—	—	—	—	10 2 0	—	43 0 0
	1865	—	—	—	—	—	—	—	—	—	—	—	—	5 2 0	—	5 2 0
Rockhampton	1864	1 0 0	32 2 0	2 0 0	—	1 0 0	4 1 0	0 1 6	8 2 0	—	—	25 0 0	11 0 0	45 1 0	2 0 4	133 3 20
	1865	—	103 1 0	—	2 2 0	16 2 0	6 0 0	1 0 0	3 1 0	0 2 0	0 1 0	50 0 0	43 0 0	106 2 20	7 3 0	340 2 20
Springsure	1864	—	—	—	—	—	—	—	—	—	—	—	—	1 0 0	—	1 0 0
	1865	—	3 0 0	—	—	—	—	—	—	—	—	3 0 0	0 2 0	0 2 0	—	6 2 0
St. George and Surat	1864	5 0 0	5 1 27	0 2 0	3 0 0	0 3 0	0 1 0	—	—	—	—	3 0 0	3 1 0	6 2 8	0 1 0	27 3 35
	1865	—	1 2 0	—	—	—	—	—	—	—	—	—	—	2 2 0	1 0 0	5 0 0
Taroom	1864	—	1 3 0	—	—	—	0 0 20	—	—	—	—	—	—	16 3 0	—	18 2 20
	1865	—	2 2 20	—	—	—	0 2 0	—	0 2 0	—	0 2 0	—	0 2 0	10 0 0	0 3 0	15 1 20
Warwick	1864	1,749 0 0	1,085 3 0	14 2 0	123 0 0	2 2 0	177 0 10	0 0 2	2 2 0	—	—	213 0 0	214 0 0	18 3 3	5 2 20	3,605 2 35
	1865	1,808 1 0	1,479 1 0	21 0 0	76 0 0	2 2 1	145 2 1	0 2 1	—	—	—	239 2 0	222 2 0	38 2 0	16 2 0	4,050 0 3
Wide Bay	1864	0 2 0	289 2 0	—	16 1 0	0 2 0	64 2 0	5 2 36	37 0 1	12 3 26	2 3 16	18 0 0	2 0 0	119 3 21	1 3 20	571 2 0
	1865.	1 1 0	323 3 0	—	9 0 0	3 1 0	40 0 10	2 2 9	4 2 0	112 2 34	9 0 0	36 2 0	45 2 0	68 0 0	3 0 35	659 1 8
Totals	1864	1,922 0 0	4,959 1 32	42 3 0	281 1 4	20 1 0	1,368 1 9	51 2 2	479 2 1	93 2 34	17 0 39	1,033 0 24	562 1 20	1,065 1 12	109 3 20	12,006 2 37
	1865	2,068 2 20	6,244 0 1	74 1 20	348 0 0	37 3 1	1,306 3 34	15 3 26	477 3 12	449 2 26	18 3 6	1,449 1 0	720 1 0	1,092 3 34	110 0 19	14,414 1 39

Government Savings Bank.

This bank was called into existence by the Queensland Act of Parliament, 28th Victoria, No. 2, and commenced business on the 1st January 1865, the returns of its first year's operations are published at page 58 of the Register.

From these tables it appears that the total number of depositors on the 31st Deeember 1865 was 1,803; the total amount deposited being 82,065*l.* 5*s.* 11*d.*, and the average amount deposited per head 45*l.* 10*s.* $3\frac{3}{4}d.$ The actual amount to the credit of the above 1,803 depositors on the 31st December 1865, after making the requisite additions for interest and deductions for sums withdrawn, was 56,582*l.* 2*s.* 9*d.* During the year 2,500 accounts have been opened and 697 have been closed. The number of offices opened during the year is 28. Interest allowed to depositors is at the rate of five per cent. per annum.

Real Property Transfer Office.

The following comparative return exhibits in detail the work of this office since its formation :—

	1862.	1863.	1864.	1865.	Total.
Number of applications to bring land under the "Real Property Act"	485	530	650	499	2,164
Number of transfers of land already under the Act - - -	376	1,317	2,397	3,153	7,243
Number of mortgages of land - - - - -	36	107	306	619	1,068
Number of other dealings - - - - - -	6	32	62	249	349
Total - - -	903	1,986	3,415	4,520	10,824
Number of certificates issued - - - - - -	612	2,060	3,009	4,024	9,705

The total quantity of land under the provisions of the above Act, whether by application of the owner or by deed of grant, is 426,833 acres 1 rood $10\frac{1}{2}$ perches; as the total quantity alienated by the Crown up to the same date is 501,982 acres 1 rood and 27·55 perches, it follows that 73·58 per cent. of all land held in fee in the Colony is so circumstanced.

The aggregate receipts of this office for the above four years are—

	£	*s.*	*d.*
Fees of office - - - -	10,568	14	2
Contributions to Assurance Fund - -	1,959	7	9
Total - - -	12,528	1	11

The aggregate expenditure for salaries and contingencies for the same period is—

	£	*s.*	*d.*
Salaries - - - - -	5,589	16	4
Contingencies - - - -	1,628	5	9
Total - - -	7,218	2	1

There remains, therefore, excluding the Assurance Fund, the sum of 3,350*l.* 12*s.* 1*d.* to the credit of the office. No claim has been made against the Assurance Fund.

Revenue.

REVENUE and EXPENDITURE of the YEAR 1865.

Receipts during the Year, including Land Orders received in payment of Land purchased.	Expenditure during the Year, including Land Orders negotiated.
£ *s* *d*	£ *s.* *d.*
631,431 17 11	617,996 8 1

QUEENSLAND.

Compared with the receipts and expenditure of the year 1864 the following are the results :—

——	Receipts.	Expenditure.	Balance to Credit* or Debit† of Revenue.
	£ s. d.	£ s. d.	£ s. d.
1864 - -	502,456 9 7	572,066 1 10	† 69,609 12 3
1865 - -	631,431 17 11	617,996 8 1	* 13,435 9 10
Increase in 1865 -	128,975 8 4	45,930 6 3	
Centesimal Increase	25·67	8·03	

The various sources of revenue of the two years, 1864 and 1865, are compared in the following table :—

——	1864.	1865.	Increase.	Centesimal Increase.
	£ s. d.	£ s. d.	£ s. d.	
Customs - - - -	153,341 19 6	195,540 15 1	42,198 15 7	27·52
Gold - - - -	2,204 0 0	3,566 13 5	1,362 13 5	61·79
Land Revenue, including value of Land orders cancelled.	281,460 10 8	323,647 10 3	42,186 19 7	14·99
Postage and Post Office orders -	15,157 15 6	18,853 15 7	3,696 0 1	24·38
Licences - - - -	18,104 12 8	22,044 17 4	3,940 4 8	21·77
Fees of office - - -	9,986 12 5	12,961 7 8	2,974 15 3	29·78
Fines and forfeitures - -	1,132 3 5	1,894 3 8	762 0 3	67·31
Rents, exclusive of land - -	374 15 3	591 12 8	216 17 5	57·75
Harbour dues and fees - -	3,491 9 5	5,195 8 3	1,703 18 10	48·78
Civil Service Superannuation Fund	1,149 12 5	2,759 2 3	1,609 9 10	140·03
Electric telegraph - -	5,650 5 5	10,064 18 9	4,414 13 4	78·12
Railway receipts - - -	—	5,679 3 7	5,679 3 7	—
Miscellaneous receipts - -	10,402 12 11	28,632 9 5	18,229 16 6	175·24
Total - -	502,456 9 7	631,431 17 11	128,975 8 4	25·67

Revenue derived from Sale of Crown Lands.

The receipts from the sale of Crown lands are the largest item in the revenue of the Colony, forming, in fact, in the year 1865, 34·59 per cent., or more than one-third of its total amount. The following is a return of the revenue derived from this source for each of the six years ending 31st December 1865 :

1860.	1861.	1862.	1863.	1864.	1865.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
45,955 7 5	68,700 13 3	110,526 12 4	135,614 17 6	190,730 1 3	218,431 9 1

A considerable portion of this revenue has been received in land orders. The following is a return of the actual cash receipts in payment of land sold for each of the above years :—

1860.	1861.	1862.	1863.	1864.	1865.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
45,955 7 5	68,700 13 3	59,381 15 0	40,007 2 3	57,698 17 11	59,461 0 0

These two last tables have been compiled from the annual statement of revenue and expenditure, published by the Auditor-General. The largest amount received in cash appears to have been during the year 1861, and the smallest in 1863, since which year the receipts have increased each year, until in 1865 they slightly exceed the average annual receipts of the whole six years. As the year 1861 is the last in which cash alone was received in payment, and as it is also the year of largest cash receipts, it would appear that the issue of land orders has had the effect of diminishing the annual amount of cash received from the sale of Crown lands.

Revenue collected by the Customs.

The import duties collected by the customs in 1865 form the next largest item in the year's receipts, and are at the rate of 2*l.* 8*s.* 4·06*d.* per head of the estimated mean population of the year. This is rather above the average of the last six years, and may probably be accounted for by an alteration in the rate of import duties, made by Act of the Queensland Parliament, 29 Victoria, No. 2, which Act came into force on the 23rd June 1865. By it, the duty on whiskey, rum, and all other spirits, except brandy and gin, is raised from 7*s.* to 10*s.* per gallon; on wine not containing more than 25 per cent. of alcohol, from 2*s.* to 3*s.* per gallon; on ale, porter, and beer of all sorts, in wood, from 1*d.* to 3*d.* per gallon; and on beer or ale, in bottle, from 2*d.* to 6*d.* per gallon.

The following table gives the annual proportion the customs duties received bear to the mean population of each year for the last six years. The slight yearly difference is very remarkable:—

Year.	Mean Population of the Year.	Customs Receipts.	Average per Head of the Mean Population.	Remarks. Dutiable Articles, and Rates of Import Duty levied on each.
		£ s. d.	£ s. d.	Brandy, gin, cordials, or liqueurs, 10*s.* per gallon.
1860	27,017	59,210 3 7	2 3 $9\frac{3}{4}$	Whiskey, rum, and perfumed spirits, 7*s.*, and since 23rd June
1861	31,886	71,678 18 11	2 5 7	1865, 10*s.* per gallon.
1862	40,593	96,107 11 8	2 7 $4\frac{1}{4}$	Wine, above proof, 10*s.* per gallon.
1863	53,970	125,199 6 11	2 6 $4\frac{3}{4}$	Wine, below proof, 2*s.*, and since 23rd June, 3*s.* per gallon.
1864	67,181	153,341 19 6	2 5 $7\frac{3}{4}$	Ale and beer in wood, 1*d.*, and since 23rd June, 3*d.* per gallon.
1865	80,905	195,540 15 1	2 8 4·06	Ale and beer in bottle, 2*d.*, and since 23rd June, 6*d.* per gallon.
				Tea, 3*d.* per lb.; sugar, refined, 6*s.* 8*d.*, unrefined, 5*s.* per
Total	301,552	701,078 15 8	2 6 5·98	cwt.; treacle, 3*s.* 4*d.* per cwt.; coffee, 2*d.* per lb.; cigars,
				3*s.* per lb.; tobacco and snuff, 2*s.* per lb.; opium, 10*s.* per lb.

If the increase in the annual customs receipts, when compared with the mean population, be correctly attributable to the alteration in the tariff—and I see no reason to doubt it—it follows that the actual increase to the revenue arising from six months' operation of the Act above referred to amounts to about 7,416*l.* 5*s.* 10*d.*, or at the rate of 14,832*l.* 11*s.* 8*d.* per annum. The total revenue derived from import duties is at the rate of 2*l.* 8*s.* 4*d.* per head of the mean population of the year.

Public Debt.

The public debt of the Colony of Queensland amounted on the 31st December 1864 to 548,800*l.*, raised by the sale of debentures bearing six per cent. interest. The amount realised by the sale of debentures during the year 1865 was 582,750*l.*; the total amount of debt on the 31st December 1865 was, therefore, 1,131,550*l.* The annual interest of this debt, at six per cent., amounts to 67,893*l.*, and is at the rate of 16*s.* $9\frac{1}{4}$*d.* per head of the estimated mean population of the year.

The following is a tabulated return of the various Queensland Loan Acts, and of the sums of money authorized to be raised by each:—

No. of Act.	Year.	Amount authorized to be raised.	Remarks.
		£ s. d.	
25 Victoria, No. 3 -	1861	123,800 1 0	Bearing 6 per cent. interest.
28 Victoria, No. 25 -	1863	707,436 0 0	
28 Victoria, No. 28 -	1864	1,019,000 0 0	
Total to 31 Dec. 1865	- -	1,850,236 1 0	

Attached as an Appendix to this Report are two Synoptical Tables, presenting in a tabulated form most of the above calculations and comparisons relating to the past year, and also to the five previous years of the Colony's existence.

I have, &c.
F. O. DARVALL,
Registrar-General.

APPENDIX A.—SYNOPSIS of the STATISTICS of QUEENSLAND from 1860 to 1865 inclusive.

Year.	Population.			Births.	Marriages.	Deaths.	Immigration.	Emigration.	Land Sales.		Number of Acres under Cultivation.	Live Stock.			
	Males.	Females.	Persons.						Number of Acres.	Amount realised.		Horses.	Cattle.	Sheep.	Pigs.
									A. R. P.	£ s. d.	A. R. P.				
1859 - -	14,940	10,206	25,146												
1860 - -	17,275	11,612	28,887	1,236	255	478	—	—	23,587 1 21	37,978 15 3	3,353 1 0	23,504	432,890	3,166,802	7,147
1861 - -	21,231	13,654	34,885	1,423	320	499	6,178	1,809	56,849 1 14¼	94,063 3 1	4,440 2 18	28,983	560,196	4,093,381	7,465
1862 - -	28,177	18,123	46,300	1,702	570	797	12,252	2,447	67,873 1 9	106,019 13 5	6,086 0 20¾	36,532	637,296	4,553,353	7,066
1863 - -	37,579	24,061	61,640	2,221	774	1,275	17,450	3,761	62,948 1 38¼	108,828 8 6	11,262 0 20	45,805	880,392	5,672,400	7,351
1864 - -	45,516	28,520	74,036	2,883	951	1,446	17,009	6,050	139,814 1 20	210,725 18 5	12,006 2 37	40,678	882,073	5,665,334	12,066
1865 - -	53,297	34,478	87,775	3,480	1,034	1,714	22,855	10,886	145,799 2 38·8	224,403 15 6	14,414 1 39	51,091	887,856	6,810,005	14,888

Year.	Shipping.						Exports of Colonial Produce.					Imports.	Exports.	Gross Revenue, including Special Receipts and Land Orders cancelled.	Gross Expenditure, including Land Orders negotiated.	Loans authorized by Parliament.	Education.		Convictions in the Supreme and Circuit Courts.
	Inwards.			Outwards.			Wool, value.	Tallow, value.	Hides and Skins, value.	Gold, value.	Cotton, value.	Total value.	Total value.				Number of Scholars.	Number of Schools.	
	Vessels.	Tonnage.	Crews.	Vessels.	Tonnage.	Crews.	£	£	£	£	£	£	£	£ s. d.	£ s. d.	£			
1860	210	45,736	3,745	183	39,503	3,138	444,188	25,628	14,030	—	—	742,023	523,477	178,589 8 5	161,503 5 3	—	62	3,169	30
1861	251	57,377	4,750	234	51,827	4,395	613,074	48,009	19,834	—	—	967,951	709,599	238,238 9 1	299,006 5 5	123,800	68	4,221	24
1862	330	77,312	6,154	305	71,981	5,554	671,970	50,961	17,362	—	—	1,323,509	793,236	346,431 5 5	418,461 11 11	—	84	4,925	23
1863	389	104,421	7,948	353	98,844	7,184	776,776	30,716	16,149	14,802	3,056	1,713,263	888,381	390,823 0 10	512,192 10 2	707,436	107	6,175	56
1864	431	129,687	9,265	396	116,702	8,352	699,845	32,999	14,999	83,292	4,186	2,267,954	1,247,045	524,198 17 11	572,066 1 10	1,019,000	129	7,260	61
1865	497	173,227	12,294	488	167,153	11,791	885,299	57,155	31,325	92,938	12,197	2,505,559	1,153,464	674,429 18 10	617,996 8 1	—	*101	5,689	99

* The Returns of Schools for the year 1865 are exclusive of Sunday schools under the supervision of ministers of religion, no information having been supplied.

APPENDIX B.—TABLE exhibiting the ANNUAL INCREASE per Cent. in the Years 1861, 1862, 1863, 1864, and 1865, and the TOTAL INCREASE per Cent. in the PERIOD of Five Years.

—	Population.			Births.	Marriages.	Deaths.	Immigration.	Emigrants.	Land Sales.		Number of Acres under Cultivation.	Live Stock.			
	Males.	Females.	Persons.						Number of Acres.	Amount realised.		Horses.	Cattle.	Sheep.	Pigs.
Increase per cent. in 1861	22·90	17·59	20·73	15·29	25·49	4·39	—	—	141·02	147·67	32·42	23·31	29·41	29·26	4·45
Increase per cent. in 1862	32·72	32·73	32·72	19·61	78·13	59·72	98·32	35·27	19·39	12·71	37·29	26·05	13·76	11·24	–5·65
Increase per cent. in 1863	33·37	32·76	33·13	30·49	35·79	59·97	42·43	53·62	–7·26	2·65	85·05	25·38	38·14	24·58	4·03
Increase per cent. in 1864	21·14	18·53	20·11	29·81	22·87	21·25	–5·23	60·86	122·11	93·63	6·61	–12·60	0·19	–0·12	64·14
Increase per cent. in 1865	17·09	20·89	18·55	20·71	8·73	18·53	34·37	79·93	4·28	6·49	20·05	25·59	0·65	20·20	23·38
Increase per cent. in the five years	258·08	237·82	241·11	181·55	305·41	258·58	269·94	501·77	518·22	490·88	329·88	117·37	105·09	115·04	108·31

—	Shipping.						Exports of Colonial Produce.			Imports.	Exports.	Gross Revenue.	Gross Expenditure.	Education.	
	Inwards.			Outwards.										Board of General Education.	
	Vessels.	Tonnage.	Crews.	Vessels.	Tonnage.	Crews.	Wool, value.	Tallow, value.	Hides and Skins, value.	Total value.	Total value.			Number of Schools.	Number of Scholars.
Increase per cent. in 1861	19·52	25·45	26·84	27·87	31·20	40·06	38·02	87·33	41·37	30·45	35·55	33·40	85·14	9·68	33·20
Increase per cent. in 1862	31·47	34·74	29·56	30·34	38·89	26·37	9·61	6·15	–14·24	36·73	11·79	45·41	43·29	23·53	16·68
Increase per cent. in 1863	17·88	35·06	29·15	15·74	37·32	24·10	15·60	–65·91	–7·51	29·45	11·99	12·81	22·35	27·38	25·38
Increase per cent. in 1864	10·80	24·20	16·57	12·18	18·07	16·26	–10·99	7·43	–7·67	32·38	40·37	34·13	11·69	20·56	17·57
Increase per cent. in 1865	15·31	33·57	32·69	23·23	43·23	41·17	26·49	73·14	108·83	10·47	–7·50	28·66	8·03	–21·71	–21·64
Increase per cent. in the five years	136·66	278·75	228·28	166·66	323·14	275·75	99·31	123·02	123·27	227·67	120·35	277·64	282·65	–62·90	79·52

VICTORIA.
No. 18.

VICTORIA.

No. 18.

COPY of a DESPATCH from Governor the Hon. Sir J. H. T. MANNERS SUTTON, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 19.)

Government Offices, Melbourne,
January 26, 1867.

MY LORD,

I HAVE the honour to forward copies of the statistics of this Colony, and a return of the Civil establishment, for the year 1865, (together) comprising what is usually called the Blue Book.

The fact that I did not arrive in this Colony until August 1866, will, I hope, be regarded by your Lordship as a satisfactory reason for my abstaining from offering any remarks on the occurrences here of the preceding year, or the condition of the Colony during that period.

I have, &c.
(Signed) J. H. T. MANNERS SUTTON.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

STATISTICAL SUMMARY of VICTORIA for the last 10 YEARS.

Year.	Population.			Births.	Deaths.	Marriages.	Immigration.	Emigration.	Flour Mills.	Manufactories, Works, &c.	Land Sales.		Number of Acres under Cultivation.
	Males.	Females.	Persons.								Number of Acres.	Amount realised.	
												£	
1856	255,827	141,733	397,560	14,420	5,728	4,116	41,594	21,187	77	213	437,562	749,318	179,983
1857	297,547	165,588	463,135	17,384	7,449	4,524	74,255	20,471	88	386	500,383	1,067,450	237,729
1858	323,576	180,943	504,519	19,929	9,015	4,552	56,168	25,882	89	421	255,724	638,650	298,960
1859	335,708	194,554	530,262	22,092	9,469	4,769	32,735	19,615	97	407	459,082	814,164	358,728
1860	328,251	209,596	537,847	22,863	12,061	4,351	29,037	21,689	94	475	492,248	663,238	419,380
1861	321,724	220,076	541,800	23,461	10,522	4,434	26,912	35,988	104	429	514,745	623,588	439,895
1862	325,768	229,976	555,744	24,391	10,080	4,525	37,836	38,203	104	603	844,969	910,862	465,430
1863	330,571	243,760	574,331	23,906	9,502	4,227	38,983	34,800	110	716	295,180	450,646	507,798
1864	348,279	257,222	605,501	25,680	8,887	4,554	36,156	21,779	93	612	260,169	522,602	479,463
1865	357,519	269,124	626,639	25,915	10,461	4,497	30,976	25,292	118	779	139,776	295,456	530,196

Year.	Live Stock.				Shipping.				Exports of Colonial Produce.			
					Inwards.		Outwards.		Gold.[a]		Wool.	
	Horses.	Horned Cattle.	Sheep.	Pigs.	Number of Vessels.	Tonnage.	Number of Vessels.	Tonnage.	Quantity.	Value.	Quantity.	Value.
									ozs.	£	lbs.	£
1856	47,832	646,613	4,641,548	52,227	1,920	538,609	1,959	538,362	2,985,992	11,943,458	21,968,174	1,506,613
1857	55,683	614,537	4,766,022	43,632	2,190	694,564	2,207	684,526	2,762,461	10,987,591	17,176,920	1,335,642
1858	68,323	699,330	5,578,413	37,756	2,034	648,103	2,015	641,254	2,528,479	10,107,836	21,515,958	1,678,290
1859	69,288	683,534	5,794,127	50,965	2,026	634,131	2,056	661,518	2,280,950	9,122,037	21,660,295	1,756,950
1860	76,536	722,332	5,780,896	61,259	1,814	581,642	1,841	599,137	2,156,661	8,624,860	24,273,910	2,025,066
1861	84,057	628,092	6,239,258	43,480	1,778	549,195	1,820	540,807	1,967,420	7,869,758	23,923,195	2,095,264
1862	86,067	576,601	6,764,851	52,991	1,715	556,188	1,766	581,892	1,658,285	6,685,192	25,245,778	2,350,956
1863	103,328	675,272	7,115,943	79,655	1,739	624,061	1,782	618,052	1,627,066	6,520,957	25,579,886	2,049,491
1864	117,182	640,625	8,406,234	113,530	1,816	620,200	1,896	641,614	1,545,450	6,206,237	39,871,892	3,250,128
1865	121,051	621,337	8,835,380	75,869	1,743	580,973	1,823	599,351	1,543,802	6,190,317	44,270,666	3,315,109

(*continued.*)

[a] The returns of Gold Exports for the four years, 1852–1855, contain, in addition to the amounts which passed through the Customs of this Colony, the following quantities of Victorian gold, which passed through the Customs of the adjacent Colonies without being recorded in Victoria:—1852, 749,957 ozs., value 2,624,851*l.*; 1853, 652,297 ozs., value 2,446,114*l.*; 1854, 247,366 ozs., value 958,543*l.*; 1855, 41,530 ozs., value 166,120*l.* Total, 1,691,150 ozs., value 6,195,628. No estimate has been given of the further quantity of gold taken out of the Colony by private hand and not recorded in any Custom-house.

Year.	Exports of Colonial Produce.			Imports. (Total Value.)	Exports. (Total Value.)	Revenue for the service of each Year.	Expenditure for the service of each Year.	Schools.		Number of Churches, Chapels, &c.	Convictions.
	Tallow.		Hides and Skins. (Value.)					Number of Schools.	Scholars.		
	Quantity.	Value.									
	lbs.	£	£	£	£	£	£				
1856	1,970,976	35,980	72,103	14,962,269	15,489,760	2,972,496	2,668,834	455	26,323	473	480
1857	4,843,216	62,363	191,828	17,256,209	15,079,512	3,328,303	2,968,658	675	36,671	587	662
1858	2,275,056	43,987	106,527	15,108,249	13,989,209	2,973,383	3,092,720	740	42,432	645	740
1859	548,352	10,354	172,446	15,622,891	13,867,859	3,261,104	3,393,946	772	46,265	642	852
1860	788,144	18,269	144,236	15,093,730	12,962,704	3,082,461	3,315,307	886	51,668	874	796
1861	4,208,960	75,784	100,384	13,532,452	13,828,606	2,952,101	3,092,021	882	56,473	989	846
1862	3,998,904	66,515	130,350	13,487,787	13,039,422	3,269,079	3,039,497	989	65,541	1,137	769
1863	1,938,708	33,871	106,264	14,118,727	13,566,296	2,774,686	2,882,937	1,019	69,619	1,352	684
1864	3,882,256	60,230	102,724	14,974,815	13,898,384	2,955,338	2,928,903	947	66,145	1,531	567
1865	1,396,640	15,566	83,361	13,257,537	13,150,748	3,058,338 [b]	2,229,747 [b]	1,080	72,663	1,695	675

[b] The figures of Revenue and Expenditure given for 1865 are only the receipts and disbursements *during* 1865 on account of that year. The whole returns of Revenue and Expenditure, *for the service of* 1865, will also include the receipts and payments on account of that year, down to the end of 1866.

WILLIAM HENRY ARCHER,
Registrar General.

TASMANIA.

No. 19.

STATISTICAL RETURNS for the last 10 YEARS.

Year.	Population.				Births.	Deaths.	Marriages.	Immigration.	Emigration.	Aboriginal Inhabitants.
	Males.	Females.	Children.	Total on 31st December.						
1856	No census.	—	—	No census.	2,956	1,335	933	4,956	7,636	16
1857	45,916*	34,886*	—	82,907	3,246	1,418	897	6,063	5,231	15
1858	47,306	36,806	—	84,080	3,138	1,562	779	4,003	4,496	14
1859	48,148	37,965	—	85,968	3,244	1,410	706	2,975	2,921	14‡
1860	48,608	39,179	—	87,775	3,238	1,749	689	3,432	3,114	11§
1861	49,593†	40,384†	—	90,211	3,207	1,477	717	3,684	4,861	8
1862	No census.	—	—	90,728	3,149	1,362	636	3,174	4,444	8
1863	Do.	—	—	91,519	2,998	1,418	698	3,621	4,410	6
1864	Do.	—	—	93,307	3,031	1,433	698	3,711	3,521	6‖
1865	Do.	—	—	95,201	3,069	1,263	591	3,597	3,509	4¶

* On 31 March 1857. † On 7 April 1861. ‡ 5 males, 9 females. § 4 males, 7 females. ‖ 1 male, 5 females. ¶ Females.

Year.	Crown Land Sales and Rental.		Acres in Cultivation.	Live Stock.				Import of Live Stock.—Value.		
	Acres sold.	Revenue from Sales and Rental of Crown Lands.		Horses.	Horned Cattle.	Sheep.	Pigs.	Horses.	Cattle.	Sheep.
		£						£	£	£
1856	14,572	52,434	185,519	18,019	88,608	1,674,987	30,074	30	7,755	81,256
1857	9,392	61,001	205,873	19,857	80,144	1,912,423	34,237	19	7,133	41,533
1858	47,879	75,490	229,489	21,563	79,460	1,504,393	30,673	11	6,625	37,655
1859	76,658	80,202	208,619	20,559	79,950	1,679,199	32,008	10	5,864	22,857
1860	92,020	82,956	218,315	21,034	83,366	1,700,930	31,290	4	5,798	43,312
1861	100,962	84,989	248,064	22,118	87,114	1,714,498	40,841	72	5,827	38,486
1862	40,048	66,763	253,050	20,742	83,143	1,661,225	38,491	4	5,325	22,272
1863	78,570	67,154	267,173	21,964	90,446	1,800,811	41,986	1	4,065	18,412
1864	141,381	93,429	252,164	22,090	89,801	1,736,540	50,380	15	4,877	17,484
1865	92,113	69,046	250,386	22,152	90,020	1,752,719	36,624	7	2,087	9,542

Year.	Export of Live Stock.—Value.			Shipping.				Wool exported.		Value of Fruit, Jams, and Vegetables exported.
	Horses.	Cattle.	Sheep.	Inwards.		Outwards.		No. of Pounds Weight.	Declared Value.	
				No.	Tonnage.	No.	Tonnage.			
	£	£	£						£	£
1856	635	39	29	934	157,826	945	156,396	4,559,674	319,961	66,544
1857	1,034	79	3,227	1,021	164,008	1,032	167,058	5,701,884	393,646	108,251
1858	734	79	3,978	973	147,947	922	146,864	4,755,318	397,533	125,355
1859	1,021	132	1,590	835	120,906	857	125,089	6,107,903	467,968	92,016
1860	1,079	17	152	806	116,172	818	118,243	4,537,918	370,427	105,940
1861	1,144	4	6,944	780	113,610	800	116,608	4,103,369	326,413	83,361
1862	1,645	78	6,214	734	107,664	754	108,915	5,241,650	366,350	87,622
1863	1,949	1,010	2,526	775	117,681	770	116,143	4,665,594	407,844	140,092
1864	517	481	1,773	807	124,699	797	123,791	4,972,403	415,891	153,805
1865	802	137	3,537	640	100,276	677	104,218	4,923,965	381,625	102,161

TASMANIA.

Year.	Value of Timber exported.	Value of Grain, Hay, Flour, and Bran exported.	Total Value of Imports.	Total Value of Exports.	Customs Revenue.	Coin in the Banks.	Expenditure by the Commissariat.
1856	112,753	303,933	1,442,106	1,207,802	133,826	482,914	172,483
1867	133,473	388,642	1,271,087	1,354,655	134,839	501,211	138,680
1858	110,101	288,198	1,328,612	1,151,609	134,608	343,073	126,918
1859	82,122	302,754	1,163,907	1,193,898	123,300	270,194	120,498
1860	73,726	214,723	1,068,411	962,170	118,348	280,503	88,045
1861	55,850	211,990	953,517	905,463	112,319	223,328	78,555
1862	62,231	203,128	857,413	919,649	130,835	199,609	82,654
1863	69,881	151,252	902,940	999,511	135,825	164,494	60,953
1864	81,265	157,351	908,265	975,730	127,099	167,900	70,164
1865	56,698	123,348	762,375	880,965	118,775	174,357	88,803

Year.	Government Schools.		Churches, Chapels, &c.	No. of Houses in Tasmania.	No. of Post Offices in Tasmania.	No. of Breweries in operation.	Value of Malt Liquor.		Flour Mills in operation.
	No.	Scholars.					Imported.	Exported.	
							£	£	
1856	81	2,692	—	—	97	39	36,103	13,861	83
1857	80	3,720	—	15,018	109	37	44,824	2,702	84
1858	78	4,191	—	—	95	38	39,567	1,855	91
1859	83	5,042	—	—	97	36	28,398	873	74
1860	89	6,664	—	—	97	38	24,871	145	70
1861	94	7,236	—	18,593	100	38	21,651	1,880	83
1862	94	7,814	—	—	103	35	21,021	5,838	79
1863	88	7,124	—	—	103	33	19,389	3,047	84
1864	97	7,791	170	—	109	36	15,788	310	79
1865	100	8,303	170	No census.	114	36	12,854	2,540	78

Year.	Ordinary Expenditure by the Government.*	Meteorological Registers.			Value of Fisheries and Export of Oil.	Tobacco.		
		Barometer, Mean.	Thermometer, Mean.	Rain Fall in Inches.		Acres in Cultivation.	Produce in Lbs.	Highest Price obtained.
					£			s. d.
1856	440,687	29·69	57·04	22·73	53,670	—	—	—
1857	369,600	29·91	56·02	17·14	45,176	—	—	—
1858	240,825	29·87	56·65	33·07	48,208	—	—	—
1859	249,130	29·87	55·91	23·31	63,120	86	143,859	1 0
1860	275,155	29·94	56·36	21·05	55,820	115	299,348	1 0
1861	313,323	29·87	56·88	28·19	57,130	111	248,647	1 6
1862	291,323	29·80	56·28	21·72	59,210	152	310,445	2 6
1863	246,163	29·85	55·01	40·67	28,995	232	1,046,852	1 0
1864	241,737	29·91	54·97	28·11	19,925	127	242,778	0 9
1865	250,800	29·84	53·85	23·07	24,432	156	388,065	0 9

* Exclusive of redemption of debentures.

Year.	Apples.			Pears.			Grain Crop and Potatoes.			
	No. of Bushels.	Highest Market Price.	Lowest Price.	No. of Bushels.	Highest Market Price.	Lowest Price.	Wheat.	Oats.	Barley.	Potatoes.
		s. d.	s. d.		s. d.	s. d.	Bushels.	Bushels.	Bushels.	Tons.
1861	106,544	12 0	3 6	29,195	11 0	4 0	1,380,913	751,475	169,381	47,428
1862	131,254	9 6	3 0	26,575	13 0	4 0	1,008,569	737,633	199,310	39,553
1863	168,114	8 0	3 0	25,800	9 0	2 6	953,250	1,024,134	201,852	36,356
1864	128,784	10 0	2 6	13,846	10 0	2 6	839,501	895,352	123,320	30,438
1865	160,982	6 0	2 6	13,828	10 0	3 0	1,273,766	688,740	101,504	41,864

SOUTH AUSTRALIA.

No. 20.

Copy of a DESPATCH from Governor Sir D. Daly to the Right Hon. the Earl of Carnarvon.

(No. 48.) Government House, Adelaide,
My Lord, October 22, 1866.

I have the honour to transmit herewith the Blue Book of this Province for the year 1865.

2. The general statistics of the Colony which, with the report of the Government Statist, are annexed to this volume, exhibit the progress of this Province in so much detail as to render any observations on my part unnecessary.

3. The prolonged drought which occasioned so much loss and suffering, especially to the pastoral interests, has been succeeded by a season which gives promise of a very abundant harvest, and recovery to the pastoral runs, but the great reductions in the stock of sheep and cattle which the drought had occasioned, will require more than one prosperous season to bring back the pastoral interest to the favourable position which it occupied prior to that severe calamity.

4. The effects of the recent monetary crisis in England have been felt here to some extent in commercial classes, but the financial position of the Colony is sound and satisfactory.

5. Several public works and buildings are in progress, labour finds adequate remuneration and employment, and projects for extensive improvements in the internal communications of the country are gaining favour with the Legislature to an extent that, I trust, will speedily produce satisfactory results in greatly increased facilities for the transit of produce to the shipping ports, and the expansion of the vast producing capabilities of the country.

I have, &c.
The Right Hon. the Earl of Carnarvon, M.P. (Signed) D. DALY.
&c. &c. &c. Governor.

Sir, Chief Secretary's Office, Adelaide, September 14, 1866.

In submitting the "Statistical Register of South Australia for the year 1865," I have the honour to present the following report, for the information of his Excellency the Governor-in-Chief, with the view, as customary in former years, of directing special attention to those tables peculiarly exhibiting the social and material progress of the community.

Population.

During 1865, there was a larger addition to the population than in any year since 1855, amounting to 9,264 persons, giving a rate of increase during the year of six and a quarter per cent., as compared with five per cent. during 1864, and three and three quarters in 1863.

The total inhabitants of the Province, estimated from the returns of births and deaths and of immigration and emigration by sea, numbered, on 31st December last, 156,605 persons; 80,686 males, and 75,919 females. The following table shows the sources whence the additional population has been obtained:—

	Males.	Females.	Persons.
Population on the 1st January 1865 - - - - -	75,888	71,453	147,341
Increase of population by excess of immigration over emigration (by sea), to 31st December 1865 - - - - -	2,649	2,117	4,766
Increase by excess of births over deaths, to 31st December 1865 -	2,149	2,349	4,498
Total on 31st December 1865 - - -	80,686	75,919	156,605
Increase in 1865 - - - - -	4,798	4,466	9,264

South Australia.

From the foregoing it will be seen that the natural increase has yielded three per cent., and immigration by sea three and a quarter per cent., of the total addition to the population. There are no means of obtaining an approximation of the balance of arrivals over departures by land, which are now numerous and consequently affect the population returns; but to what extent can only be ascertained at the quinquennial census.

Births, Deaths, and Marriages.

The increase to the population during 1865, from natural causes, was at a rate much exceeding those shown in the previous two years; the number of births not only increasing in a higher ratio, but the mortality diminishing much below that of 1863 and 1864. During the past twelve months the excess of births over deaths amounted to 4,498 souls, or 30·5 per thousand persons living at the commencement of the year; whilst in 1864 the additional population from this source was only 3,643 souls, or 26 in a thousand, and in 1863 of 3,745 souls, or at the rate of 27·7 per thousand persons. The rate of increase in 1865 was therefore 4·5 per thousand over that of its predecessor, and 2·8 above the rate existing in 1863; it must, however, be borne in mind that the low rate in 1864 was owing to the great mortality among children during the prevalence of an epidemic.

6,672 births were registered in 1865, or 464 more than during the previous year. The birth rate was therefore 45 per thousand persons, or one per thousand higher than in the preceding two years. Notwithstanding the augmentation of the population since 1861, the birth-rate is now 0·5 per thousand more than was recorded at that date. Of the total number of births, 3,369 were males, and 3,303 females, or 102 boys to 100 girls.

From a comparison of the quarterly returns, extending over five years, it will be found that the September quarter shows the highest number of births, next the June quarter, then the last quarter, whilst that ending in March is the lowest of all.

Fewer deaths were registered during 1865 than in either of the preceding two years, the number being 2,174, as compared with 2,565 in 1864, and 2,221 in 1863. Owing to the epidemic prevalent during 1864, above referred to, the rate of mortality in that year, 18·2 in a thousand persons, was exceptional; it will therefore be necessary to compare the rate existing during 1865, 14·8 per thousand, with that of the year 1863, 16·4; when it will be seen that the mortality last year was 1·6 per thousand below what may be taken to be the average rate of mortality in this Colony. Many more males died than females, especially at the later periods of life, the excess of the former being much greater than usually exists; out of 2,174 deaths, only 954 were deaths of females; whilst in the previous year, in 2,565 deaths, 1,217 were females.

In 1864, from the cause previously mentioned, the deaths among children under five years of age formed nearly two-thirds of the whole mortality; during 1865, they formed little more than one half; the number in either year being 1,639 and 1,226 respectively.

It is satisfactory to note that a marked decrease is apparent in the rate of mortality among infants; the actual number of deaths of children under two years of age being less than in 1861, notwithstanding the rapid increase of population. Omitting the exceptional year 1864, the deaths of infants have ranged from 1,024 to 1,064 annually. The number of deaths of this class in 1865 was 1,041, being 48 per cent. of the gross mortality, or nearly six per cent. less than the proportion existing in 1861, the rate gradually declining during the intervening five years. Throughout the same period the birth-rate, as before shown, has been more than maintained.

The number of deaths under each class of disease is shown in the usual nosological tables, embracing a period of five years. The return showing the causes of death for each month in 1864 and 1865 calls for remark, as exhibiting the immunity from zymotic diseases during the latter, as compared with the two preceding years, when scarlatina was so prevalent, from which disease alone there were 288 deaths in 1863, 510 in 1864, but in 1855 only 15. These tables having now been published for ten consecutive years under the same systematic classification, the information collected cannot but be of value to medical science.

1,436 marriages were solemnized during 1865—many more than had been recorded in any previous year, and showing an increase of 145 over the number registered in 1864, and of 278 above those celebrated in 1861.

Immigration and Emigration.

The excess of immigration over emigration (by sea) was greater during the year under review, than was recorded in either of the past ten years; the total addition to the

population from this source amounting to 4,766 persons, of whom 2,649 were males and 2,117 females. The number of immigrants introduced at the public expense, or partly so, was 4,625, of whom 2,692 were males, and 1,933 females. From these figures it would appear that 141 persons were gained to the community, over and above the whole number of immigrants introduced by the State. Since the resumption of immigration in October 1862, 9,382 Government immigrants have arrived; during the like period the net addition to our population by the excess of arrivals over departures was 9,935 souls, showing that the community has increased by 553 persons more than the whole number of Government immigrants landed on our shores.

The following table shows the general immigration (male and female) during the past decade, the emigration, the balance of arrivals over departures, or *vice versâ*, and the number of immigrants at the public expense:—

Years.	Immigration.			Emigration.			Excess of Immigration over Emigration.			Number of Immigrants at the Public Expense.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1856	5,769	3,756	9,525	5,252	2,026	7,278	517	1,730	2,247	2,335	1,842	4,177
1857	5,262	2,876	8,138	3,205	1,704	4,909	2,057	1,172	3,229	2,422	1,543	3,965
1858	4,826	3,029	7,855	2,499	1,110	3,609	2,327	1,919	4,246	1,894	1,659	3,553
1859	2,910	1,959	4,869	2,271	1,380	3,651	639	579	1,218	913	1,098	2,011
1860	3,109	1,265	4,374	3,444	1,458	4,902	335*	193*	528*	492	480	972
1861	2,181	946	3,127	1,243	834	2,077	938	112	1,050	18	3	21
1862	2,091	1,139	3,230	1,787	898	2,685	304	241	545	281	330	611
1863	2,685	1,549	4,234	2,022	870	2,892	663	679	1,342	811	688	1,499
1864	3,720	2,238	5,958	1,776	900	2,676	1,944	1,338	3,282	1,459	1,188	2,647
1865	5,318	3,151	8,469	2,669	1,034	3,703	2,649	2,117	4,766	2,692	1,933	4,625
Total	37,871	21,908	59,779	26,168	12,214	38,382	11,703	9,694	21,397	13,317	10,764	24,081

* Excess of Emigration.

The total number of arrivals during the 10 years comprised in the above return was 59,779, of whom 24,081 persons were introduced at the public expense; the departures numbered 38,382, showing a balance in favour of arrivals of 21,397 souls; it would therefore appear that 2,684 persons, a number equivalent to 10 per cent. of the whole number of Government immigrants, have left the Colony during the whole period of 10 years.

If, however, we divide the decade into two periods of five years, it will be found that this loss occurred only during the first five years ending 1860, the second half ending 1865 showing an excess of immigration of 17 per cent. upon the whole number of assisted and free immigrants. For instance, in the five years terminating 1860, the excess of arrivals over departures amounted to 10,412 persons; the number of Government immigrants being 14,678, showing a loss of 4,266. In the last five years, the excess of immigration was 10,985 persons, of whom 9,403 were assisted by Government, showing that during that period, 1,582 individuals have arrived in the Colony at their own expense. This latter class would, of course, be increased by the number of Government immigrants who may have left the Colony during the period, but as it is impossible to distinguish them in the emigration portion of the returns, an approximation even cannot be arrived at. Sufficient data are, however, given to prove satisfactorily that without the aid of assisted immigration the progress of the Colony in regard to population will be tardy in the extreme.

During 1865 14 immigrant ships arrived, landing 4,625 souls, the average contract price for each adult's passage being 12*l.* 10*s.*, the lowest rate, I believe, on record. The total expenditure for immigration purposes was 55,383*l.* for the 12 months. Between 1856 to 1860 the sum of 392,163*l.* was disbursed, and 131,398*l.* during the five years just closed.

Public Worship.

Six additional places of worsnip appear to have been opened during 1865, affording, with extensions of present buildings, further accommodation for 4,248 persons, making in all, 461 churches and chapels, with seats for 83,843 persons. Besides which, 173 rooms were used for religious services, being a few less than last year owing to the abandonment of several preaching stations, during the drought, in the far north;

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making the aggregate number of places of worship used during 1865 to be 634, with accommodation sufficient for 90,350 persons, or three-fifths of the population. The following figures show the progress effected in this direction during the past three years :—

	1863.	1864.	1865.
Number of churches or chapels -	431	455	461
„ sittings in ditto - -	76,813	79,595	83,843
„ rooms used, &c. - -	170	180	173
„ sittings in ditto - -	7,065	7,621	6,507
Total number of places of worship -	601	635	634
„ sittings provided -	83,878	87,216	90,350
Sunday schools - - -	360	382	384
Sunday-school teachers - -	3,017	3,254	3,484
Sunday scholars - - -	21,799	23,087	23,739

Satisfactory advancement is also evidenced by the attendance at Sunday schools, the large numbers recorded in past years not only being maintained, but a slight addition shown in the number of schools, teachers, and scholars.

Education.

The usual returns are given of the number of children attending the schools licensed by the Board of Education, but that body having lately issued an elaborate review of the state of education generally, it is necessary only to refer to the analysis of the statistics therein contained, of which the following are the most prominent.

During the year 1865 it appears that the increase of both schools and scholars has been in a less proportion than in former years owing to the closing of three schools in the distant north from the long continuance of drought, and of some other country schools for want of sufficient local support. The increase in the number of schools was 12, or only five per cent., the addition in the number of scholars being at the same rate, or 727 only.

At the most favourable period of the year, the month of October, the number of schools open was 279, the number of scholars on the rolls, 7,577 boys and 6,103 girls, total 13,680; of whom 10,805 were in attendance. The average number on the roll at each school was 49, and the average attendance 38. Seventy-nine per cent. of the scholars on the roll were in attendance. These figures show a slight improvement on the returns of former years.

The proportion of the sexes at school was nearly the same as in several preceding years, viz.: Boys 55·5 and girls 44·5 per cent. The ages of the scholars attending are as follows:—Of six years and under, 37·4 per cent.; of seven to 10 years, 42·4 per cent.; of 11 and 12 years, 14·5 per cent.; and as only 5·7 per cent. of the children were of 13 years of age and upwards, the proportion at the higher period of age is therefore still decreasing.

Six additional school-houses were placed under trust of the Board during the year for educational purposes, making the total number so held to be 62, assistance having been given by the Government by way of grant to the building fund in all cases, amounting in the whole to 11,209*l.* since the introduction of the system.

The financial returns show 13,611*l.* to have been paid by the Board during the years in stipends to teachers, or an average of 19*s.* 10¾*d.* for each scholar, whilst the aggregate amount of school fees received from the parents of the scholars was 13,047*l.*, or an average of 1*l.* 0*s.* 6*d.*, showing the total cost of a child's education at the common schools to be 2*l.* 0*s.* 4½*d.* per annum.

The greatest number of destitute children at the schools during the year was 934, and for which the Board paid school fees amounting to 979*l.* 4*s.* 9*d.*, or 1*l.* 0*s.* 11½*d.* for each child, showing a decrease on the previous year of 71 children.

The returns furnished by the secretary of the South Australian Institute show very satisfactory instances of additional means of usefulness in the cause of education, and particularly with respect to country institutes, which now number 39 in active operation.

During the past decade 160,849*l.* has been expended by the State for educational purposes, the disbursements during 1865 amounting to nearly 20,000*l.* sterling.

Charitable Institutions.

Medical relief was granted to a greater number of persons than during 1864; 94 more patients receiving treatment at the Adelaide Hospital in the course of the past year. The total number of cases treated in 1865 was 1,146, as compared with 1,052 in 1864; of these 760 were males and 386 females, the additional number of the former sex being 93, and of the latter one only. At the commencement of the year there were in the hospital, 115 patients—79 males and 36 females; at its close, 98 males and 39 females, or 137 altogether. The daily average number of inmates was 121—82 males and 39 females; the proportion of the latter sex being less than in former years. Out of 1,146 patients treated, 899 were discharged—752 being cured and 147 relieved —and 110 died—77 males and 33 females; leaving 137 resident at the end of the year as stated. The average duration of a patient's residence in the institution was, in acute diseases 18 days, and in chronic cases from 80 to 89 days. An elaborate return is given in the form introduced last year, showing the various diseases treated, classified upon the same system as the nosological tables now in use in the registration of deaths; together with the sex of the patient; whether cured or relieved; the number of deaths, and the number of inmates suffering from each particular ailment, on the first and last days of the year.

The records of the lunatic asylum exhibit a more favourable aspect than has been the case for some years, there being a reduction of four in the number of inmates at the close of the year. The admissions also were 12 less than in 1864, numbering 63—39 males and 24 females; of the latter sex the number admitted was the same in either year, the decrease appearing in the number of male patients. 262 patients were under treatment, of whom 43 were discharged cured, and eight left the asylum relieved. The deaths numbered 16, or five less than last year. The daily average number of inmates was 195, which was also the number remaining on the 31st December, of whom 108 were males and 87 females. The whole of the inmates, with the exception of five males and six females, on whose behalf sustenance fees were paid by their friends, were supported entirely at the cost of the State.

From the return of the average number of destitute poor supported or relieved by the Government, exclusive of patients in the hospital and lunatic asylum, there would appear at first sight to be a large addition to the number of distressed persons, whereas on examining the returns it will be found that of the whole number of persons relieved, viz., 704, no less than 512 were children; the total number of adult recipients, both indoor and outdoor, being only 192, 97 males and 95 females. The whole of them were aged, infirm, or sick persons, no able-bodied person being at any time admitted into the asylum, whose adult inmates numbered 104 persons, 58 males and 44 females, a burden not greater than may be expected in a population such as ours. It should be stated that many of the outdoor cases are females whose husbands have deserted them, or who are widowed, and who with their children receive partial relief.

With regard to the children, however, it is a lamentable fact that the numbers of destitute orphans and deserted children is rapidly increasing. On the average 512 children were receiving support from the Government (as against 356 the year before), 76 being inmates of the Destitute Asylum, the remaining 436, 210 boys and 226 girls, being distributed throughout the Colony, receiving it is to be feared but little of that care and attention which could be devoted to them were they congregated at industrial schools or similar institutions in the neighbourhood of the chief centres of population. The Board of Education disburse about 1,000*l.* annually in the payment of fees for destitute children attending licensed schools.

The amount expended, exclusive of buildings, during the past year in the relief of the destitute poor was 8,178*l*; on account of the medical and hospital departments, 7,646*l.*; and at the lunatic asylum, 5,851*l.*, or altogether 21,675*l.*, being just 50 per cent. advance in the cost to the State for these services during a period of four years.

Crime.

The criminal records of the Province exhibit an unusual number of offences committed in 1865 as compared with previous years, and especially so in felonious offences against the person and against property, in which classes the number of convictions in the preceding year had been smaller than in either of the previous 10 years.

In the Supreme Court 134 prisoners were convicted out of 197 committed for trial, showing an increase of 93 commitments and 64 convictions. In 12 cases the offence was against the person, as compared with four in 1864, and 98 against property as compared with 37 in the previous year, the remaining 24 convictions being for misdemeanors. The

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crimes of most frequent occurrence in 1865 were embezzlement, larcenies, stealing from dwelling houses and from the person, and forgery. This sudden increase in crime is more strikingly apparent from the fact that of late years we have been singularly free, the commitments per 1,000 persons having gradually been reduced from 2·289 in 1859 to 1·308 in 1864, rising, however, in 1865 to 1·705. The average for that period was 1·729 in 1,000, or one commitment in 595 persons. When the rapid influx of population during the past two years is taken into account, and also that some accessions have not been from a desirable class, it is satisfactory than otherwise to find that the commitments in 1865 did not exceed the average number. It may further be stated, as evidence that the exertions and vigilance of the police officers have not diminished, that the proportion of offenders convicted before a jury has increased from five in every 10 to seven in every 10 persons placed on their trial.

Year.	Population.	Commitments.			Ratio of Commitments.		Convictions in Supreme Court.	Ratio of Convictions in Supreme Court to Commitments.
		To Supreme Court.	To Local Courts.	Total.	Per 1,000.	Or,		
1859	122,735	168	113	281	2·289	1 in 437	93	5·5 in ten
1860	124,112	145	98	243	1·958	1 in 510	78	5·5 in ten
1861	126,830	125	120	245	1·932	1 in 522	62	5 in ten
1862	135,329	117	90	207	1·529	1 in 654	64	5·5 in ten
1863	140,416	125	74	192	1·388	1 in 706	86	7 in ten
1864	147,341	104	88	192	1·308	1 in 767	70	7 in ten
1865	156,605	197	79	276	1·705	1 in 567	134	7 in ten
			Mean of seven years		1·729	1 in 595	—	6 in ten

With reference to the above, it need hardly be said that the amount of crime thus shown to exist in South Australia is below that exhibited in the returns of the mother country, and far beneath that prevailing in the neighbouring Colonies.

Again, if comparison be instituted in like manner with regard to the nature of the crimes perpetrated, it will be seen that this Province has been remarkable for the absence of crimes of a serious nature. During the past 10 years, out of 820 prisoners tried in the Supreme Court, only 95 were for offences against the person, or less than 10 per annum, whilst in the same period it was necessary to carry the extreme penalty of the law into effect in but two instances.

Revenue and Expenditure.

The revenue returns for the year 1865 exhibit a remarkable increase in all sources of income, but more especially in the Land Fund receipts. The total revenue for the 12 months amounted to 1,089,128*l.*, as compared with 775,837*l.* in 1864, an addition of 313,291*l.*, or 42 per cent. The great demand for land, and the high price paid, swelled the amount of the land sales to the large sum of 504,677*l.*, or an increase of 256,672*l.*, or nearly twice the sum received in the previous year. The customs revenue was also greater than had been collected in any preceding year. This, the only source of taxation, produced 240,183*l.*, or one-fifth more than last year, being at the rate of 30*s.* per head of the population, a lower rate than is imposed upon any other Australian community.

The monies derived from the occupation of the Crown lands increased by 50 per cent., or from 48,361*l.* in 1864 to 73,891*l.* in 1865, the augmented rents under the new pastoral leases having become due. The receipts from the railways also increased from 118,307*l.* to 134,070*l.*, or by 15,763*l.*, nearly 12 per cent. Other sources of revenue, as water rates, harbour dues, postages, licences, fines, fees, and forfeitures, and telegraph receipts, also show marked advances, indicating considerable activity and progress. A comparative statement of the revenue and expenditure for the two years, in detail, is inserted in the tables, in addition to the usual returns, to which reference may be usefully made.

The total expenditure of the Government amounted to 790,504*l.*, or 163,815*l.* more than in 1864. The chief items of increase are in public works, immigration, contingencies, and salaries, provisional and temporary, which latter item includes the payment of wages to workmen in Government employ. The amount expended on public works out of the general revenue was 223,083*l.*, in addition to 18,654*l.* out of the Loan Fund,

which, together with a sum of 93,056*l.* set apart for the payment of interest on and redemption of loans for public works, makes a total disbursement on account of permanent improvements of 334,793*l.*, as compared with 248,004*l.* in 1864. The immigration expenditure was 53,688*l.*, as against 36,850*l.* in the previous year.

The public account showed a surplus of receipts over payments of 298,624*l.* 6*s.* 4*d.*, or more than one-fourth of the total amount of the year's revenue, augmenting the balance in hands of the treasurer, which stood at 219,015*l.* 17*s.* 5*d.* on the 1st January to 517,640*l.* 3*s.* 9*d.* at the close of the year.

This accumulation resulted principally from the beneficial operation of the law known as "Sutherland's Act," which provides that two-thirds of the amount received from the sale of the public estate should be devoted to the prosecution of works of public utility, and one-third to the introduction of immigrants. On the 31st December the balance to the credit of the Public Works Fund was 152,236*l.*, and that to the credit of the Immigration Fund amounted to 207,903*l.* The disbursements from both funds are regulated by the annual vote of Parliament. Up to this date the departmental charges for the management of the public lands and for the execution of public works have not yet been made a charge on those funds, having been defrayed from the ordinary revenue; but steps will doubtless shortly be taken to place the account on a proper footing in this respect. The surplus of the ordinary revenue, which has amounted annually to a large sum, after meeting the ordinary and extraordinary expenses of Government, is carried to the debit of the public works account. The treasurer was debited with the following balances of revenue on the 31st December 1865, viz., to balance of ordinary revenue, 105,558*l.* 16*s.* 7*d.*; to balance of Public Works Fund, 152,236*l.* 15*s.* 9*d.*; to balance of Immigration Fund, 207,903*l.* 3*s.*, and to balance of Part III., Public Works, &c., 51,941*l.* 8*s.* 5*d.*, making a total of 517,640*l.* 3*s.* 9*d.* to the credit of the Province at the opening of the present year.

The Treasury balance was deposited with the several local banks, and all but a small portion required in current account was bearing interest at six per cent. per annum, being the rate paid by Government to holders of the bonded debt.

Loans for Public Works.

A further reduction has been effected in the amount of the bonded debt incurred for the construction of reproductive public works, being in aid of sums appropriated from the general revenue for such purposes.

Bonds to the amount of 43,100*l.* have been redeemed during the year, leaving the sum of 796,200*l.* outstanding on 31st December 1865. The rate per head of the population at that date was 5*l.* 1*s.* 8*d.*, or nearly two-thirds less than the rate of indebtedness existing in the adjoining Colonies.

There has been no fresh loan authorized since 1863, when that for the Port Adelaide waterworks was contracted. Our present debt will be liquidated gradually during the next 26 years.

Banking.

Returns of the average assets and liabilities of the five banks carrying on business in Adelaide throughout the year 1865 have been published half-yearly in the usual manner. An exclusively local bank was opened in December, but was not required to make a return. The following statement, therefore, of the business transacted during the six months ending 31st December 1865 applies only to those in operation during the whole year. It will be seen that the total average liabilities of the banks have increased from one million sterling in 1863 to two millions in 1865, and the average assets from two millions sterling in the former year to three millions in the latter; and, further, that during the year 1865 the assets increased from 2,361,300*l.* to 3,031,705*l.*, or by the sum of 670,405*l.*, whilst the liabilities advanced from 1,498,473*l.* in 1864 to 1,947,217*l.* in 1865, or by 448,744*l.* only. Another important feature in these statements is the large increase in deposits during the twelve months, viz., from 1,158,931*l.* to 1,568,151*l.*, an addition of 409,220*l.*, whilst the discounts were augmented from 1,724,759*l.* to 2,424,924*l.*, or by the large sum of 700,165*l.* sterling. Since 1863 the note circulation has advanced by 108,031*l.*, standing now at 340,512*l.*, the amount of coin, bullion, and Government securities held by the banks increasing in a somewhat less proportion, namely, from

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331,475*l.* in 1863 to 450,596*l.* at the date of the returns now reviewed. Full particulars as respects each bank are given in the returns for both half-years; but the following statement of the aggregate assets and liabilities of the several banks collectively for the six months terminating in December of 1863, 1864, and 1865 respectively, will be found useful for purposes of comparison.

LIABILITIES.

	1863.			1864.			1865.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Notes in circulation	232,481	18	9	315,126	6	8	340,512	2	10
Bills in circulation	7,832	7	8	12,700	9	9	12,138	12	7
Balances due to other banks	24,904	5	0	11,715	2	4	26,415	4	7
Deposits	787,104	2	11	1,158,931	11	11	1,568,151	1	1
Total average Liabilities	1,052,322	14	4	1,498,473	10	8	1,947,217	1	1

ASSETS.

	1863.			1864.			1865.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Coin and bullion	326,875	11	8	411,710	3	0	445,996	19	8
Government securities	4,600	0	0	4,600	0	0	4,600	0	0
Landed property and bank premises	55,185	11	10	60,808	18	11	69,257	16	11
Notes and bills of other banks	7,170	3	10	8,109	9	4	13,325	11	8
Balances due from other banks	82,561	5	9	151,312	15	1	73,600	3	5
Notes and bills discounted, and other debts due to banks not enumerated	1,603,564	12	11	1,724,759	5	4	2,424,924	8	8
Total average Assets	2,097,957	6	0	2,361,300	11	8	3,031,705	0	4

The rates of interest allowed on deposits for fixed periods have been maintained, excepting particular lodgments for which special arrangements were made. The course of exchange has generally ruled lower than in former years, as will be seen on reference to the returns under that head, showing the variations throughout the year, as furnished by the several banks in minute detail. The average amounts of notes in circulation, and the reserves of coin held by each bank during the past 10 years, are also comprised in the returns now given.

Savings Bank.

The advantages of this institution were farther rendered available by the opening of three branches during 1865 at the important towns of Mount Gambier, Gawler, and Kapunda, affording facilities to depositors largely availed of, the new accounts opened numbering 2,333, or nearly one-third more than during the previous 12 months. The additional number of depositors was also greater than recorded in any previous year, numbering 1,233. The total funds of the bank on the 31st December 1865 amounted to over a quarter of a million sterling (274,071*l.*), the balance to the credit of the depositors reaching 258,693*l.*, and the reserve fund 15,378*l.* The amount deposited was 131,115*l.*, and the sum withdrawn 115,751*l.*, an increase over 1864 on the former item of 10,191*l.*, and on the latter of 28,020*l.*, the increase in the total amount of the depositors' balances being 26,721*l.* Although it may be expected that as the operations of the institution are extended in number and amount, so will the deposit accounts become more active, it will nevertheless be observed that its patrons have found other employment for their surplus capital more readily than in either of the past few years. The extension of the business of the bank during the last quinquennial period has been so remarkable that the following comparative statement will be read with interest, as it shows that since 1861 the new accounts opened during 12 months and the yearly increase in depositors more than doubled; that the balance to credit of depositors has

increased 100 per cent.; that the reserve fund has increased 50 per cent., and that the total assets of the bank are now twice the amount they were five years ago.

	1861.	1862.	1863.	1864.	1865.
New accounts opened (number) - -	1,081	1,264	1,440	1,806	2,333
Increase in depositors (number) - -	681	629	834	1,132	1,233
	£	£	£	£	£
Amount deposited - - - -	65,373	79,482	91,783	120,924	131,115
„ withdrawn - - - -	37,627	54,495	63,393	87,731	115,751
„ depositors' balances - - -	121,414	152,663	189,143	231,972	258,693
„ reserve funds - - - -	10,175	10,842	12,062	13,431	15,378
„ total funds - - - -	131,590	163,506	201,205	245,403	274,071

The funds of the depositors are secured by loans on mortgage of freehold property, bearing interest at 7½ per cent., amounting to 181,895*l.*, by bank deposits, and by Government securities; the profits allowing of a rate of interest of five per cent. per annum, which has been the rate paid to depositors for several years.

Imports and Exports.

Compared with the trade of 1864, when the external commerce of the Colony increased nearly one-third in a single year, the operations of 1865 show but a slight advance, namely six per cent. only; it is, however, important to note that so great an extension of business has been more than maintained during the past year. The combined import and export trade of 1865 amounted to over six millions sterling, being just double what it was ten years ago. The total imports in 1865 amounted to 2,927,596*l.*, and the exports to 3,129,846*l.*, together, 6,057,442*l.*, as compared with total imports in 1864 of 2,412,931*l.*, and exports of 3,305,545*l.*, together, 5,718,476*l.*; showing an increase of 338,966*l.* in the trade of the year, or six per cent. as above stated. Compared with the year before last the increase in business would amount to 38 per cent.

Following upon a year of unexampled prosperity, and one in which the exports of staple produce alone increased to the extent of a million sterling, or 45 per cent., it is not surprising that the total imports of 1865 increased one-fifth, and that the enhanced purchasing power of the community necessitated a like advance in the value of goods cleared for home consumption, 2,122,923*l.* and 2,552,407*l.* being the value in the respective years, a difference of 429,484*l.* sterling. The increase in the imports of 1864 over 1863 was likewise at the rate of 20 per cent. In 1865 we consumed in the Colony imported goods equal to 16*l.* 6*s.* per head for each individual of the community (the rate in the previous year being 14*l.* 8*s.* per head), all but a fraction being the manufacture or productions of the mother country and her possessions.

Turning to the exports a decrease will be seen of 175,699*l.*, or about five per cent. below the total shipments of 1864, in which year they amounted to the unprecedented sum of 3,305,545*l.* sterling, in 1865 only reaching 3,129,846*l.* in value, showing, however, a large increase upon 1863, when they amounted to 2,358,817*l.* sterling, evidencing a satisfactory advancement in the producing capabilities of the Colony.

Although the exports of staple produce show a reduction of 260,880*l.* in 1865, as against an addition of 920,181*l.* in 1864, which addition was six times greater than the increase in 1863, it must not be forgotten that the value of the raw material exported in 1865 was three quarters or a million sterling, or nearly one-third more than the value of the shipments only two years since, or nearly five times the annual increase then recorded.

Nine-tenths of our exports are the staple productions of the country, but it is still satisfactory to notice an increasing intercolonial trade in articles of foreign manufacture—the value of the imports re-exported amounting to 375,189*l.*, as compared with 290,008*l.* in 1864, showing an addition of 85,181*l.*, or 30 per cent., in this branch of our export trade.

In 1864 the staple produce exported was valued at 42 per cent. more than the goods cleared for home consumption, the difference between the two sums being 892,614*l.* in favour of exports. Last year this difference was only 202,250*l.* in favour of exports, or eight per cent. only, the shipments of staple products amounting to 2,754,657*l.*, and the value of goods introduced into consumption being 2,552,407*l.* It is somewhat significant that the increase in the imports of 1865 (429,484*l.*) is in amount not quite one half of the preceding year's excess of exports over imports (892,614*l.*), the balance (the re-

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maining half million) doubtless having been invested in such a manner as to augment the future productiveness of the Colony. Nor should the fact be overlooked that a very considerable portion of the imports are of such a character as to add materially to the value of the real estate of the community.

With a view to convey a true idea how rapid has been the progress of trade during the past ten years, I append a statement showing the combined import and export trade for each year since 1856, inclusive, the total imports, the imports retained for home consumption, and the imports re-exported, the aggregate exports, the value of staple products exported, and the difference between the latter and the value of imports consumed :—

Year.	Combined Import and Export Trade.	Total Imports.	Imports retained for Home Consumption.	Imports re-exported.	Total Exports.	Exports of Produce of the Colony.	Balance Produce exported over Imports consumed.
	£	£	£	£	£	£	£
1856 - -	3,032,269	1,366,529	1,099,156	267,373	1,665,740	1,398,367	299,211
1857 - -	3,581,624	1,623,052	1,408,664	214,388	1,958,572	1,744,184	335,520
1858 - -	3,281,536	1,769,351	1,612,207	157,144	1,512,185	1,355,041	—257,166
1859 - -	3,163,370	1,507,494	1,353,783	153,711	1,655,876	1,502,165	148,382
1860 - -	3,423,307	1,639,591	1,432,201	207,390	1,783,716	1,576,326	144,125
1861 - -	4,008,329	1,976,018	1,782,346	193,672	2,032,311	1,838,639	56,293
1862 - -	3,966,452	1,820,656	1,595,347	225,309	2,145,796	1,920,487	325,140
1863 - -	4,387,096	2,028,279	1,764,818	263,461	2,358,817	2,095,356	330,538
1864 - -	5,718,476	2,412,931	2,122,923	290,008	3,305,545	3,015,537	892,614
1865 - -	6,057,442	2,927,596	2,552,407	375,189	3,129,846	2,754,657	202,250

Looking back ten years it thus appears that our combined import and export trade has doubled (being now six instead of three millions), our imports and exports respectively increasing in equal degree. The exports of produce have more than doubled, being two and three-quarter millions instead of one and a quarter, whilst our consumption of imported articles has increased 150 per cent., being an advance from one to two millions and a half sterling. The export trade in imported goods has also largely increased, especially of late years. The above table furthermore shows that in the ten years since 1856 our shipments of produce have exceeded the imports retained for home consumption by two millions and a half sterling, of which sum more than three-fourths is to be credited to the account of the last five years.

With respect to the nature of our external trade of six millions sterling, and the countries with whom we chiefly deal, it may be briefly stated that operations of any magnitude are confined to those with the mother country, and the Colonies of Victoria and New South Wales, transactions with foreign countries being limited to imports of small extent.

The combined import and export trade with the United Kingdom amounted to 2,706,584*l.*, or half a million more than in 1864. The imports amounted to 1,741,690*l.*, as against 1,217,568*l.*, and the exports direct thereto advancing from 918,523*l.* to 964,894*l.* sterling. The imports to this Colony exceeded our exports to Great Britain by 776,796*l.*, as compared with an excess of 299,045*l.* in the previous year. The most noticeable feature in these returns is the very large increase in the consumption of British goods. South Australia imported goods in 1865 *direct* from home at the rate of 11*l.* 2*s.* 6*d.* per head of the population, an advance of 2*l.* 17*s.* 6*d.* per head over the preceding year; our markets, it must also be remembered, being further freely supplied with British manufactures by way of Melbourne.

There is a slight decrease in the amount of business done with Victoria. The large exports of agricultural produce to that Colony in 1864 had in the course of that year swelled the amount of the combined import and export trade to 1,951,729*l.*, or double that existing the year before. Under such circumstances a deficiency in the year 1865 was not unexpected, it proving small however, being but 86,784*l.*, the trade amounting to 1,864,945*l.* sterling. The falling off was almost entirely in the import trade, being 620,301*l.*, as compared with 697,075*l.*; the amount of our exports being only 10,000*l.* less in 1865 than in 1864, the total value of shipments in either year being 1,244,643*l.* and 1,254,654*l.* respectively. The balance of trade was in our favour by the sum of 624,342*l.*, as against 557,578*l.* in the preceding year.

As exhibiting the increasing magnitude of our commercial intercourse with Victoria, it may be stated that the trade between the two places during the past 24 months

has amounted to nearly four millions sterling, or two-fold greater than existed in the preceding like period.

The transactions with New South Wales in 1864 had shown an increase of nearly 80 per cent. This was not fully maintained during 1865. The total import and export trade, however, of the latter year reached 797,505*l.*, as against 844,644*l.* in the former; the deficiency was therefore 47,139*l.* only. In 1864 the imports thence amounted to 212,517*l.*, and the exports to 632,127*l.*; in 1865 we imported 239,820*l.*, and exported 557,685*l.* worth of produce, showing a balance of trade in our favour in the latter year of 317,864*l.*, as compared with 419,609*l.* in the former. Although trade with the elder Colony was not maintained to the same extent as in the preceding year, it must be borne in mind that transactions were effected of two-thirds more value than in 1863.

With Queensland business was almost entirely confined to exports hence, which advanced from 86,257*l.* to 93,031*l.*; whilst with New Zealand, in trade of a similar character, there was a diminution from 184,045*l.* to 143,987*l.* On the other hand, with Western Australia business intercourse has much developed, although the traffic is at present small in amount; the imports increasing from 2,472*l.* to 11,961*l.*, and the exports from 12,221*l.* to 28,490*l.* With Tasmania, also, there is an increase of both imports and exports, the former advancing from 21,877*l.* to 36,438*l.*, and the latter from 5,226*l.* to 10,641*l.*

Our exports to the Cape and Mauritius fell to a nominal sum. The imports from the latter place also diminishing, only amounting to 99,712*l.*, as compared with 131,733*l.* in the preceding year. The shipments to India, consisting principally of fine copper and ore, amounted to 76,970*l.*, or 45,363*l.* less than in 1864.

Among other imports direct from foreign countries were goods of the following values, viz.: from China, 54,059*l.*, as against 76,804*l.*; from the United States, 47,462*l.*, as against 21,080*l.*; and from Sweden, 34,525*l.*, as compared with 11,744*l.* With these countries there is no direct export trade in exchange for the commodities supplied to this market.

Exports, the Produce of the Colony.

In continuation of similar tables supplied in former issues, statements are appended furnishing detailed comparisons regarding the development of the material resources of the Colony, with a view of exhibiting the progress of the chief elements of prosperity over an extended period, thereby obtaining a more correct insight into their present position, as compared with their progress during past years.

The following table shows the total value of the exports of colonial produce, and of the three principal staple products in the years 1856, 1860, and 1865 respectively; the beginning, middle, and termination of the past decade; also the aggregate value of those exports during the quinquennial periods closing in 1860 and 1865; together with the average annual shipments in the same periods, and the proportion which the shipments of agricultural, pastoral, and mineral staples respectively bore to the total exports of produce:—

Period.	Total Exports of Produce.	Of which Exports.			
		Breadstuffs, Grain, &c.	Wool.	Copper and other Minerals.	Miscellaneous Products.
	£	£	£	£	£
In the year 1856	1,398,367	556,371	412,163	408,042	21,791
„ 1860	1,576,326	499,102	573,368	446,537	57,319
„ 1865	2,754,657	1,228,480	821,482	620,112	84,583
Total in five years, 1856–60	7,576,083	2,890,976	2,395,861	2,097,718	191,528
„ 1861–65	11,624,676	4,786,219	3,571,350	2,853,920	413,187
Average of five years, 1856–60	1,515,216	578,195	479,172	419,543	38,305
„ 1861–65	2,324,935	957,244	714,270	570,784	82,637
Rate per cent. of average exports of 1856–60	100	38·2	31·6	27·6	2·6
Rate per cent. of average exports of 1861–65	100	41·2	30·8	24·5	3·5

South Australia.

The above table shows at a glance the relative progress of the three principal industries during the past decade, whilst erroneus conclusions, which are sometimes drawn from a review of only a few years' transactions, are entirely obviated. For instance, at first sight it would seem that the exports of 1865 were twice the value of those of 1856, which was actually the case, but nearly the whole increase occurred during the last half of the period; and further, the average exports of the five years ending 1865, were but 50 per cent. higher than the average shipments of the preceding like period. In 1856 the total exports of produce amounted to 1,398,367*l.*; in 1860, they were valued at 1,576,326*l.*; but in 1865, they reached 2,754,657*l.* sterling. The average annual exports of the quinquennial period ending 1860, were 1,515,216*l.*, the average for the next period ending 1865, being 2,324,935*l.* The aggregate exports for the whole decade amounted to nineteen millions sterling, of which, seven and a half millions belonged to the first division, and eleven millions and a half to the second division of the period, or an augmentation of four millions in the value of five years' shipments.

A similar analysis to the above may be made from the figures given in the table, as regards each of the three staple products, from which results of a like remarkable character may be deduced; but as a more precise view of their development may be obtained from a comparison of the *quantities* rather than from the *values* of produce exported, the latter fluctuating to a material extent, reference thereto is deferred until later paragraphs of the report, where the subject is fully discussed.

That portion of the table showing the relative value of the three classes of produce must here be considered, affording as it does, important and interesting information bearing upon the question of the employment of the people. Last year breadstuffs, wool, and minerals were shipped in proportion to the whole exports, as 12, 8, and 6; the year before, the proportion was as 14, 7, and 6. Both years were, however, exceptional in respect to agricultural produce, as on an average of five years (1861–5) the shipments of wheat and flour were 41·2 per cent., of wool, 30·8 per cent., and of copper 24·5 per cent. of the total exports. Compared with the previous quinquennial period (1856–60), the following differences are observable, the agriculturalists have increased their share by 3 per cent., the squatters diminishing 0·8 per cent., and the mining class 3·1 per cent. Although the productions of our mines are annually increasing in value, the rate of progression has been far less rapid than that of either agriculture or wool-growing, both of which have advanced during the past ten years with equal stride, subject to occasional temporary retardment; at one period affecting the farmer, at another the squatter. More minute comparisons may be effected by a reference to the following table, which has been carefully prepared, with a view of showing as correctly as possible the relative importance of each industrial class, based on an average of years:—

Five Years ending with	Ratio of Average of Five Years' Exports of each Class to total Exports = 100.			
	Breadstuffs.	Wool.	Minerals.	Miscellaneous.
	Per Cent.	Per Cent.	Per Cent.	Per Cent.
1856 - -	37·1	29·0	28·5	5·4
1857 - -	40·4	30·8	24·6	4·2
1858 - -	40·6	30·7	25·4	3·3
1859 - -	39·3	31·5	27·1	2·1
1860 - -	38·2	31·6	27·6	2·6
1861 - -	38·0	32·5	26·7	2·8
1862 - -	35·5	33·4	27·2	3·9
1863 - -	35·2	33·9	27·0	3·9
1864 - -	38·8	31·8	25·7	3·7
1865 - -	41·2	30·8	24·5	3·5

Before leaving this subject, it will be well to draw attention to the desirableness, made apparent in the above statement, of watching the progress of each industry carefully, so as to avoid in the future the ill effects of the undue growth of one of them. Still further to augment the production of wool and copper, so to assimilate more closely to the value of our breadstuffs, must certainly tend to a sounder and more lasting prosperity, should it even be necessary thereby to diminish the growth of wheat.

Breadstuffs, Grain, &c.

Following upon the prolific harvest of 1863–4, which produced 4,691,919 bushels of wheat, and enabled us to export 76,552 tons of breadstuffs, the shipments of flour and wheat during 1865, show a considerable falling off in quantity, the harvest having produced 4,252,949 bushels only, and the exports being 60,513 tons, or 16,039 less than in the preceding year. Owing, however, to the very large demand in the adjoining Colonies, from a second failure in their crops, and the uniformly higher rates at which the price of wheat was maintained in 1864, the value of the shipments was brought to 1,228,480*l.*, or within 236,113*l.* of the previous year. In 1864 the average price of wheat was 8*s.* 6*d.* per bushel, and of flour 20*l.* 9*s.* per ton; in 1865 the former averaged 8*s.* 7*d.* per bushel, and the latter 20*l.* 10*s.* per ton. But whilst in the former year the season opened with wheat at 4*s.* 3*d.* per bushel, and for the first quarter averaged only 5*s.* 1*d.* per bushel, and the price fluctuating throughout the year from 4*s.* 3*d.* to 10*s.* 9*d.*, the season of 1865 opened at 8*s.* per bushel, and was steadily maintained throughout the year, never falling below 7*s.* 8*d.*, or rising above 9*s.* The whole benefit of the enhanced value of our cereal produce was thus obtained; and the deficiency in the crop nearly made up. The quantity of breadstuffs shipped in 1865 was, within a few tons, the same as in the year 1863, namely, 60,000 tons; it was worth, however, two-thirds more money.

Subjoined is a tabular statement showing the shipments of flour, wheat, bran, and pollard, during the years 1856, 1860, and 1865, also the total exports of those articles during the two quinquennial periods, and the average for such periods :—

Period.	Flour.	Wheat.	Total in Flour, at 45 bushels to ton.	Bran and Pollard.
	Tons.	Bushels.	Tons.	Tons.
In the year 1856 - - - - -	22,372	69,120	23,908	3,074
„ 1860 - - - - -	21,166	238,984	26,476	3,352
„ 1865 - - - - -	38,251	1,001,768	60,513	4,819
Total in five years, 1856–60 - - -	118,973	1,088,320	143,158	22,240
„ 1861–65 - - -	188,405	4,868,240	296,588	31,935
Average of five years, 1856–60 - - -	23,794	217,664	28,631	4,448
„ 1861–65 - - -	37,681	973,648	59,318	6,387

It will be observed that the total shipments, during the last five years, were double those of the preceding; and a like increase appears in the average annual exports. The exports of 1865, however, were nearly three-fold those of 1856; and whilst the shipments of cereals advanced from 23,908 tons in 1856 to 26,476 tons in 1860, during the next five years they advanced to 60,513 tons, and that with a harvest below the average; that quantity having been reached in 1863, as above stated.

With regard to the markets open for the disposal of this large surplus, it has happened, fortunately for South Australia, that our neighbours' necessities were so great; both Victoria and New South Wales being compelled to purchase largely. The former took 15,537 tons of flour, and 68,410 quarters of wheat, as compared with 16,537 tons, and 104,146 quarters in the previous year; and New South Wales, 14,322 tons of flour, and 35,040 quarters of wheat, against 15,532 tons, and 63,136 quarters the year before. To New Zealand, 3,875 tons of flour, and 17,234 quarters of grain were sent, being a decrease; while the shipments to Queensland were slightly increased. These four Colonies purchased within a fraction the whole of our surplus breadstuffs.

Mineral Produce.

The value of the minerals exported during the year amounted to 620,112*l.*, or 71,512*l.* less than in 1864; the quantity shipped, however, was not much below that of the previous year, the reduction in the declared value being partly consequent on the lower prices ruling in this market. A larger proportion of ore was shipped than usual, and less fine copper. Of the former 16,176 tons were exported, as compared with 4,545 tons, and of the latter 100,196 cwts., as against 134,055 cwts. The shipments of lead ore also much decreased, being only 86 tons, as compared with 567 tons in 1864.

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During the past decade our mines have produced nearly five millions sterling; of which three millions nearly has been raised during the past five years. In 1856 the shipments were valued at 408,042*l*; from which year up to 1860, when we sent away minerals of the value of 446,537*l*., the average shipments amounted to 419,523*l*. per annum. Since 1860 the exports have steadily increased, showing an average export of 570,784*l*. yearly.

More reliable information as to our progress in mining may be gathered from the following comparative statement of the *quantities* of the several ores and metals shipped during the past ten years:—

Periods.	Copper.	Lead.	Copper Ore.	Lead Ore.	Regulus.
	Cwts.	Cwts.	Tons.	Tons.	Tons.
In the year 1856	44,980	—	9,468	35	71
„ 1860	65,429	1,824	7,097	68	338
„ 1865	100,196	82	16,176	86	—
Total in five years, 1856–60	271,843	3,085	38,604	2,640	783
„ 1861–65	477,209	2,098	40,097	1,216	899
Average of five years, 1856–60	54,368	617	7,720	528	156
„ 1861–65	95,442	420	8,019	243	180

From the above it seems that the production of fine copper has increased from 44,980 cwts. in 1856, to 100,196 cwts. in 1865 (in 1864, 134,055 cwts. were exported). The shipments of fine copper in 1865 were 100 tons a week, as against 130 tons the year before. A fourfold quantity of crude ore was, however, sent away, namely, 16,176 tons, as compared with 4,545 tons. The average yearly shipments of fine copper, during the five years preceding the discoveries in the Wallaroo mineral district, amounted to 54,368 cwts. Since that date they have *averaged* 95,422 cwts., an increase of 80 per cent.; whilst the average export of copper ore has also been maintained.

The following table shows the quantities and values of different minerals shipped during the past five years:—

Minerals.		1861.	1862.	1863.	1864.	1865.
Fine copper	Cwts.	61,047	85,872	96,039	134,055	100,196
	£	294,572	400,591	447,944	637,791	433,795
Copper ore	Tons	7,817	6,216	5,343	4,545	16,176
	£	133,749	124,263	83,262	38,125	184,677
Lead	Cwts.	1,256	426	271	63	82
	£	4,426	981	525	121	133
Lead ore	Tons	15	97	450	567	86
	£	300	2,266	9,007	13,107	1,507
Regulus	Tons	390	418	39	52	—
	£	19,125	19,518	1,655	2,480	—
Total value	£	452,172	547,619	542,393	691,624	620,112

In connexion with this subject it may be mentioned that the requirements of the smelting works have necessitated a vast increase in the importation of coal, the imports now reaching 57,980 tons per annum, as compared with 19,980 tons in 1860, and 13,573 tons in 1856, employing a large amount of shipping.

Wool.

During 1865 the number of bales of wool shipped was 56,182, showing an increase of 5,236 bales on the previous year's shipments; the total weight being 18,945,426 lbs. as compared with 17,496,551 lbs. in 1864, and 16,568,979 lbs. in 1863. The declared value amounted to 974,397*l*. as against 849,125*l*. and 776,545*l*. in the two preceding years respectively; this increase is, however, occasioned by the larger quantity of Murray-borne and Western Australian wool transhipped at Port Adelaide, the export of South Australian wool being only 177,795 lbs greater than in 1864. The following

table shows the exports during each of the three past years ending on the 31st December :—

Year ended 31st December.	1863.	1864.	1865.
	lbs.	lbs.	lbs.
From Port Adelaide	7,321,137	8,472,298	9,734,297
„ Port Wakefield	2,799,000	1,774,300	1,908,678
„ Port Robe	1,218,400	2,077,300	1,892,460
„ Port Augusta	4,128,641	2,990,403	998,315
„ Port MacDonnell	39,309	771,656	1,217,013
„ Port Wallaroo	60,300	—	137,007
„ Port Elliot	—	6,138	—
„ Port Victor	—	—	382,120
Total Export of South Australian Wool	15,566,787	16,092,095	16,269,890
Produce of other Colonies	1,002,192	1,404,456	2,675,535
Total shipment (lbs.)	16,568,979	17,496,551	18,945,425
Total shipment (bales)	48,226	50,946	56,182
	£	£	£
Total value of South Australian Wool	715,935	775,656	821,482
Total value of other Wool	60,610	73,469	152,915
Total value	776,545	849,125	974,397

It has been suggested that as the wool season is at its height in December and January the export returns made up to the close of the year do not show the actual weight of any given clip, and that such information is not to be obtained except with much trouble. I have therefore prepared the following table showing the desired particulars for the last four clips. The figures given are for the years ending 30th June, respectively, a period comprising as nearly as possible the aggregate weight of the season's clip :—

Year ended 30th June.	1863.	1864.	1865.	1866.
	lbs.	lbs.	lbs.	lbs.
Port Adelaide	7,550,428	10,112,815	10,381,530	9,277,556
„ Wakefield	2,282,400	—	1,833,800	2,981,078
„ Robe	1,488,400	1,816,300	1,760,400	1,736,460
„ MacDonnell	55,395	541,380	1,014,850	800,790
„ Wallaroo	43,500	65,000	—	77,507
„ Augusta	2,798,673	4,294,400	2,206,325	998,315
„ Victor or Port Elliot	—	6,138	294,000	179,800
„ Caroline	—	—	—	72,383
Total weight	14,218,796	16,836,033	17,490,914	16,123,889

Comparing the above with the table previously given, it will be admitted that a more correct view of the position of the pastoral interest as regards the annual production of wool, is thus presented than has formerly been the case. The disastrous effects of the prolonged drought in the north are apparent in the falling off in the shipments from Port Augusta. That district contributed to the clip shipped during the 12 months ended 30th June 1864, 4,294,400 lbs., or to one-fourth of the whole; in 1864–5 it fell to 2,206,325 lbs., or one-eighth of the whole; but in 1865–6 only 998,315 lbs. were shipped, or but one-sixteenth of the total exports. Again the shipments from Ports Adelaide and Wakefield combined show no increase during the past season, in both years being about 12,000,000 lbs. weight, and there is a slight decrease in the exports from the south-eastern district.

The whole clip of the season 1865–6 amounted to 16,123,889 lbs., or 1,367,025 lbs. less than the preceding one, and 712,144 lbs. below that of 1863–4.

Looking back upon the rapid progress making in the growth of wool antecedent to the drought, the retrogression shown in these figures indicates but a portion of the loss the community has sustained under this visitation.

Respecting this view of the subject, the following particulars will prove useful, as

South Australia.

showing that notwithstanding the sudden check in the quantity of wool grown, the shipments of 1865 were both in quantity and value double what they were 10 years ago.

Period.	Quantity.	Value.
	lbs.	£
In the year 1856	8,236,221	412,163
„ 1860	11,731,371	573,368
„ 1865	16,269,890	821,482
Total in five years, 1856–60	46,934,735	2,395,861
„ 1861–65	74,322,172	3,571,350
Average of five years, 1856–60	9,386,947	479,172
„ 1861–65	14,864,434	714,270

The table briefly shows that whereas in 1856 we grew 8,236,221 lbs. of wool, of the declared value of 412,163*l.*, last year we produced 16,269,890 lbs., worth 821,482*l.* When so much has been done in so short a period heretofore, it may be expected that under more auspicious circumstances than have lately existed the progress of a class producing nearly one-third of our staple exports will be again recorded.

River Murray Trade.

In this trade a considerable increase appears in the returns of 1865 over those of 1864, the combined imports and exports amounting to 266,862*l.* against 196,250*l.*, or an advance of 40 per cent. The trade is almost exclusively confined to New South Wales, very few goods being landed or shipped on the Victorian side. The down traffic, nearly all wool from stations on the Darling, amounted to 140,105*l.* in value, and the stores sent up to 126,677*l.*; the former item showing an increase of nearly 100 per cent., and the latter of about one-fourth above that of the previous season. The exports to Victoria by the river last year amounted to 15,595*l.*, this season to 80*l.* only; there have been no imports thence, river-borne, for several years. The number of steam vessels entered at ports on the River Murray was 36, or 14 more than last year, and the number of departures up river was 39, or 13 more, the total capacity being 4,620 tons.

Shipping.

Owing to the reduction in the quantity of breadstuffs for export fewer vessels sufficed for the requirements of our intercolonial traffic. The shipping returns show a diminution in the number of vessels cleared with cargoes, but in other respects they exhibit a similar number of vessels arriving and departing, and a considerably greater carrying capacity. In 1864 617 ships arrived of 160,095 tons; in 1865 619 ships of 183,102 tons, an addition of two vessels and 23,007 tonnage. The following tabular statement shows how greatly the number and tonnage of vessels visiting the ports of this Province has increased during the past three years:—

Ships Inwards.			Countries.	Tonnage.		
1863.	1864.	1865.		1863.	1864.	1865.
57	59	69	Great Britain	28,265	29,948	42,074
164	260	230	Victoria	35,954	56,111	58,199
110	175	152	New South Wales	30,903	45,535	43,022
34	49	73	Tasmania	4,427	5,684	8,690
2	3	3	Queensland	368	571	356
17	17	29	Western Australia	6,253	5,246	8,940
8	15	12	New Zealand	2,873	3,234	2,515
5	3	4	Cape of Good Hope	1,444	1,028	1,837
3	1	3	India and Singapore	1,604	472	718
20	15	17	Mauritius	4,368	3,370	3,746
—	1	—	Bourbon	—	369	—
2	1	—	Hongkong	1,575	216	—
1	—	3	Vancouver's Island	1,152	—	1,276
9	7	8	Sweden	5,331	3,671	4,257
1	1	1	Hamburg	120	188	160
2	7	11	United States	1,521	3,788	6,484
1	—	1	Batavia	352	—	289
4	3	3	China	1,157	664	539
440	617	619	Total inwards	127,667	160,095	183,102

The above table relates to vessels arriving. Of the 619 therein stated, only 25, of 3,639 tons, arrived in ballast, and all but 31 were British vessels. The chief increase will be seen in the arrivals from Great Britain, which numbered 69 against 59 in 1864, the tonnage being 42,074 as compared with 29,948. The intercolonial arrivals were fewer in number, but of a larger class, than last year.

One-sixth, or 104 out of 601 vessels, failed to secure loading and cleared outwards in ballast; during the previous year only 10 per cent. of the clearances were in ballast. The following statement, showing to what countries shipping has been despatched during the past three years, will be found useful as indicating the direction in which our export trade principally tends. The clearances in ballast were chiefly to Tasmania, Indian and Chilian ports, and Guam :—

Ships Outward.			Countries.	Tonnage.		
1863.	1864.	1865.		1863.	1864.	1865.
25	22	34	Great Britain - - - -	14,465	11,677	17,867
160	279	248	Victoria - - - - -	34,469	59,473	62,402
93	139	136	New South Wales - - -	24,873	38,008	39,092
13	21	37	Tasmania - - - -	1,570	2,617	4,629
54	60	36	New Zealand - - - -	13,739	14,119	7,706
11	20	22	Queensland - - - -	1,968	3,662	3,751
19	19	27	Western Australia - - -	6,926	6,063	8,469
9	8	6	Mauritius - - - -	2,568	1,904	1,517
—	2	—	Bourbon - - - -	—	375	—
3	—	—	Singapore - - - -	1,623	—	—
24	21	23	India - - - - -	13,717	12,188	12,692
25	2	2	Cape of Good Hope - - -	7,315	560	237
3	6	4	Batavia - - - - -	1,097	2,210	2,104
1	1	—	Brazils - - - - -	327	281	—
2	6	12	Chili - - - - -	676	3,045	5,437
4	—	—	Peru - - - - -	2,493	—	—
—	3	2	China - - - - -	—	895	1,389
—	10	12	Guam - - - - -	—	3,856	6,896
446	619	601	Total outwards - -	127,826	161,293	174,188

In addition to the above, 39 steamers, of 4,620 tonnage, and 327 men, cleared at ports on the river Murray, as compared with 20, of 4,090 tons, in 1864.

The total number of the crews of vessels entering ports in South Australia during 1865 was 9,041 men, or 859 more than last year. 113 vessels, of 15,946 tons capacity, belong to Port Adelaide; an increase of 19 ships, and 3,004 tons, during the 12 months. The shipping owned at this port has increased one-half during the past five years.

Land and Cultivation.

My seventh annual report on the agricultural and live stock statistics, being for the year ended 31st March 1866, was published in May last. The following extracts are reproduced therefrom with a view to afford the more prominent particulars relating to those subjects, it being unnecessary to enter into fresh detail in this general statistical resumé:

"During the year 1865 no less than 316,476 acres of country and suburban land were alienated from the Crown, or 91,305 acres more than were disposed of during the preceding 12 months, making the total area of purchased land in occupation on the 31st December last to be 3,210,290 acres, or 20·5 acres for each individual of the estimated population at that date, as compared with 2,893,814 acres on the 1st January preceding, when the average was 19·64 acres, or 0·64 acres more than at the commencement of 1864.

"72,794 acres additional land were brought under cultivation during the past season, an increase more than twice as great as that of the preceding one. In the three counties of Gawler, Light, and Stanley alone, the additional quantity of tilled land was 55,896 acres, and an increase of one-fourth is shown in county Grey, which has now 21,420 acres under the plough. The total area under cultivation is 660,569 acres, as compared with 587,775 acres in 1864–5, showing an augmentation amounting to 12½ per cent., whilst the increase during the previous year was only 5¾ per cent. In my last report I stated that 20 per cent., or one in every five acres, of purchased land was under cultivation, as was the case in 1863, and that, notwithstanding the large purchases of land for

South Australia.

grazing purposes, the ratio of cultivated to untilled land continued as one to four. I am enabled to show that, unprecedented as were the land sales of 1865, 316,476 acres having been disposed of by the Crown, the above proportions have not only been maintained, but have become slightly more favourable. Four acres of tilled land continue to be the rate per head for each individual of the population, or 12 acres for every male of 14 years of age and upwards.

"The total area under wheat was 410,608 acres, against 390,836 acres last season, an increase of five per cent. only, or one per cent. less than in 1864–5. In the latter year, two-thirds of the total land in cultivation were under wheat. This season the proportion is slightly under that, being only 62 per cent. Two and a half acres of wheat are grown to each person in the community. The aggregate produce of the harvest amounted to 3,587,800 bushels, or 665,149 bushels below that of 1864–5, the average yield per acre being, so far as I am aware, less than in any preceding season, only amounting to 8 bushels 44 lbs. per acre. During the previous seven years the lowest yield recorded was 9 bushels 38 lbs. (in 1859–60), whilst the average for the whole period was 12 bushels, or 3 bushels 16 lbs. above that of 1865–6. The following table gives the total area of land under cultivation, the acreage under wheat, the gross produce of the harvest, and the average yield per acre for each of the past eight seasons:—

Season.	Acres cultivated.	Acres under Wheat.	Produce, Wheat.	Average, per Acre.
			Bushels.	Bus. lbs.
1858–9	264,462	188,703	2,109,544	11 11
1859–60	361,884	218,216	2,103,411	9 38
1860–1	428,816	273,672	3,576,593	13 4
1861–2	486,667	310,636	3,410,756	10 59
1862–3	494,511	320,160	3,841,824	12 0
1863–4	555,968	335,758	4,691,919	14 0
1864–5	587,775	390,836	4,252,949	11 0
1865–6	660,569	410,608	3,587,800	8 44

"From causes before mentioned, the extent of land upon which hay was cut was increased from 66,570 acres to 101,996 acres, more than one-half, but as the crop only yielded 17 cwt. to the acre, or nearly one-fourth less than in 1864–5, the gross produce only resulted in an additional yield of 12,075 tons, being 88,731 tons in place of 76,656 tons. In 1863–4, the yield per acre was 27 cwt., and the total quantity secured 102,293 tons, off 75,590 acres, a fair average crop. It will thus be seen how serious a deficiency has existed during the two past years in the supply of this article of fodder.

"Fewer acres of barley and oats were sown, and the yield was poorer than in the previous unfavourable season. Of barley, 9,362 acres were reaped, as against 12,585 acres, a decrease of 3,223 acres, whilst the gross produce was only 130,679 bushels, as compared with 207,022 bushels, the average yield per acre being 13 bushels 48 lbs., or 2 bushels 24 lbs. less than that of 1864–5. A decrease of 2,221 acres appears in the quantity of oats, only 2,872 acres having been sown, and the yield only amounted to 42,642 bushels, a deficiency of 32,493 bushels, the average being but 14 bushels 34 lbs. to the acre.

"Many additional acres are returned under the head of green forage, the principal increase being in the growth of lucerne and artificial grasses. Of the latter, 2,962 acres are returned as under successful cultivation in county Grey. The total area laid down for green forage was 7,576 acres, as against 2,639 acres last year; the returns for the past season giving 2,514 acres of wheat, barley, and oats, 230 acres of sorghum, &c., 1,424 acres of lucerne, and 3,408 acres of grasses, showing the following increases—1,702, 100, 568, and 2,567 acres respectively.

"Peas are now cultivated to some extent, and appear in the returns, for the first time, as covering 969 acres. Other minor crops, not specified, show an aggregate of 1,272 acres, or 999 acres more than last season. They include, among others, rye, turnips, mangold-wurzel, maize, cotton, tobacco, and hops.

"Fallow land appears as 110,037 acres, or 15,260 acres additional, being nearly the same extent as was returned the year before last.

"The potato crop again proved a failure, only 4,823 tons being taken from 2,775 acres planted, or but 35 cwt. to the acre.

"The vineyards now extend over 6,629 acres, as will be noticed, a greater area than the orchards and gardens together. The increase during the year was 265 acres. The gross number of vines planted is 7,361,863, of which 5,255,889 are in bearing, and 2,105,974 are at present unproductive: 659,880 vines were added this season to the

former class, but as the diminution in the latter is greater by 66,000 than that number, explanation became necessary, when upon inquiry it was elicited that, although the area of the vineyards in some districts had been slightly augmented this season, in others the cuttings planted last year had almost entirely failed.

"The total quantity of wine made was 839,979 gallons, as against 798,647 gallons, or 41,332 gallons additional. 31,707 cwt. of grapes were returned as sold or disposed of otherwise than in wine-making, or 1,080 cwt. more than last year.

"*Pastoral Occupation.*

"Compared with the last returns, there is an additional number of horses, 73,993, as against 62,899, or an increase of 11,094, partly accounted for by the live stock in towns being returned on the census papers this year, a remark applying also to the following items, viz., goats, which have increased from 9,474 to 12,283; pigs, from 53,430 to 55,742, and poultry from 327,881 to 377,001, a not inconsiderable or unimportant augmentation.

"The live stock statistics, however, exhibit but too clearly the losses the pastoral interest and the country have sustained through the long continuance of drought. This is the first occasion in which a diminution in the number of sheep depastured has been recorded, and although the number of cattle has been lessening year by year, the falling off during the past season was unprecedented. Nine years ago we depastured twice the number of cattle that we now do, 310,460 head, as against 158,057; then we counted *three* head of cattle for each individual of the population, now but *one*. During the past year their number has been reduced from 204,892 to 158,057, or by 46,835 head. Within the county boundaries there is a decrease of 10,978, whilst in the pastoral districts they have diminished from 62,527 to 26,670, or by 35,857 head. A portion of this loss may have extended over two years, as last season it was impracticable to collect the returns in two of the northern districts.

"The aggregate number of sheep returned is 3,779,308, as against 4,106,230, or a decrease of 326,922, or nearly nine per cent. less, as compared with an increase last year of 5½ per cent., the increase in 1864 having been 13½ per cent. Comparing the returns for the year 1864, which were complete, with those for the past season, we find in the northern district (viz., the country north of Port Augusta), that where in the former year 455,085 sheep were depastured, there are now only 133,199, or 324,886 less. The whole number at present within the pastoral districts is 970,812, as compared with 1,314,026 in 1864, or a decrease of 343,214. Many flocks, however, were brought down within the limits of the proclaimed counties, as may be inferred by the increase therein, namely, from 2,577,616 to 2,808,496, or of 230,880; but if accounted for in that way, nothing would be allowed for the natural increase of the flocks in those portions of the Province.

"Instead of exporting large numbers of sheep as in several previous years, we had (in 1865) to purchase largely in the neighbouring Colonies, and our market has been regularly supplied for some years with fat cattle from the Darling. In 1864 we exported 186,526 sheep more than we imported, but in 1865 the balance was against us by 38,392, and during the first quarter of the present year by 32,837 more. With respect to cattle, the excess of imports has increased from 400 in 1864 to 6,456 head in 1865, and 770 arrived during the past quarter."

Railways.

The traffic returns show a large increase in the number of passengers travelling over the lines, but a falling off in the goods receipts, owing to the diminished quantity of wheat and flour for transport, on which the traffic on the north line chiefly depends. In other respects the revenue from the carriage of merchandise showed an improvement over the preceding year.

The total number of passengers conveyed on both lines was 402,550, as against 359,035 in 1864, and the total goods traffic 261,183 tons, as compared with 255,928 tons in the previous year.

The aggregate receipts amounted to 133,280*l.*, as against 129,246*l.*, the increase in the sum received from passengers and sundries being 4,865*l.*, and the deficiency from goods 831*l.*, showing a net increase of 4,034*l.*, as compared with an increase of 31,990*l.* in the previous year. It must be borne in mind, however, that the returns for 1864 were remarkably favourable, owing to the abundant harvest of that year. It is therefore satisfactory to find that the extension of the passenger traffic has been so large, and that the diminution in the goods branch is not greater. In comparison with the receipts for

South Australia.

1863 there is an increase of 11,228*l.* in the passenger receipts, and of 24,382*l.* in the goods traffic, which, together with an addition of 414*l.* in the miscellaneous receipts, shows a total increase of 36,024*l.*, extending over a period of two years. Subjoined is a comparative statement of the gross receipts and expenditure in each branch during the three past years.

	1863.	1864.	1865.	1863.	1864.	1865.
Gross Receipts.				£	£	£
Number of passengers	309,898	359,035	402,550	—	—	—
Passenger receipts	- -	- -	- -	25,788	32,274	37,016
Tons of goods	200,831	255,928	261,183	—	—	—
Goods receipts	- -	- -	- -	69,192	94,405	93,574
Other receipts	- -	- -	- -	2,276	2,567	2,690
Total receipts - - - £				97,256	129,246	133,280
Gross Expenditure.						
Management - - - - - - -				1,600	1,540	1,375
Locomotive department - - - - - - -				18,353	19,366	18,824
Maintenance of line - - - - - - -				17,134	22,358	22,334
Other working expenses (including goods agency) - - - -				42,389	56,328	71,936
Total expenditure - - - £				79,476	99,593	114,469

With regard to the expenditure side of the above statement, which shows a very large increase in the total payments as compared with former years, the comparison as regards the charges for management, locomotive department, and maintenance of line is of a favourable character, but some explanation is necessary with respect to the item "Other working expenses (including goods agency)."

With this view the following table is inserted, showing the net earnings (after deducting "goods agency" from either side of the account), the working expenses, the per-centage the latter bore to the net receipts, and the annual profits returned into the Treasury:—

Year.	Miles open.	Revenue.	Expenditure.	Per-centage of Expenditure.	Profit.
		£	£		£
1856 - - -	7⅓	15,873	15,236	95·4	637
1857 - - -	24½	39,528	37,774	92·0	1,754
1858 - - -	32½	51,582	44,981	85·5	6,601
1859 - - -	32½	48,068	39,871	82·5	8,197
1860 - - -	45	55,588	43,636	78·5	11,952
1861 - - -	56	64,935	53,808	82·1	11,127
1862 - - -	56	67,483	54,400	80·7	13,083
1863 - - -	56	70,420	52,639	74·7	17,781
1864 - - -	56	95,490	65,837	69·0	29,653
1865 - - -	56	98,919	80,108	80·9	18,811

From the above it would appear that the profit on the working of the lines fell from 29,653*l.* in 1864 to 18,811*l.* in 1865, or by 10,842*l.*, the working expenses increasing from 69 per cent. to 80 per cent. of the earnings. Such, however, was not actually the case, owing to large sums expended in the purchase of additional rolling stock having been debited to working expenses under an altered system of account. This outlay would, in the case of a company, be charged to capital account, and could that course have been adopted here, the profit accruing in 1865 would have exceeded that of 1864, instead of showing the large diminution above mentioned.

Altogether the railway returns for 1865 are of a very satisfactory nature, for they show that, whilst of breadstuffs there were nearly 12,000 tons less transported than in the previous exceptional year, the augmented passenger and general merchandise traffic made up the deficiency thus indicating a great development in the general trade of the country.

Roads.

The Central Road Board constructed 54 miles of main road during 1865, making a total length of 348 miles of metalled road completed under its superintendence, of which 267 miles have been formed during the last 10 years. In addition to these main lines, road communication has been immensely extended and improved through the agency of the several municipalities and district councils. There is not, however, any record of the total length of road formed under their direction; but some idea may be obtained from the amount expended by those bodies during the past decade, out of rates and the Government grant in aid, which has reached to an aggregate sum of nearly half a million sterling. Their expenditure on public works has latterly averaged 45,000*l.* per annum.

The Central Board of main roads has expended in the same period 766,000*l.*, of which 111,129*l.* was paid last year, the whole being provided out of the general revenue. In the absence of any direct receipts from persons using them, the cost of keeping in repair such extended lines of metalled road entrenches largely on the funds at the board's disposal.

Postal Communication.

Further postal facilities were provided in 1865 by the opening of 16 new post offices, and by an extension in the length of mail routes from 3,053 to 3,337 miles. The total number of post offices now open is 221, and the distance travelled by mails during the 12 months was 790,155 miles, or 56,629 more than in 1864. A large increase also appears in the number of letters and newspapers transmitted, as will be seen from the following figures, relating to the postal business of the past three years:—

	1863.	1864.	1865.
Number of letters - - - -	1,817,379	2,189,474	2,444,207
Number of newspapers - - -	1,254,893	1,457,914	1,760,415
Distance travelled by mails - -	657,772	733,526	790,155
	£	£	£
Income - - - - -	19,019	22,001	25,023
Expenditure - - - -	19,694	21,485	23,417

Ten years ago the income of the post office barely met one half the cost; now the receipts exceed the expenditure, as shown above. In both cases the English and branch mail services are excluded.

Forty money order offices are now in operation, in connexion with both the post office and telegraph departments, and corresponding with all the offices in the Australian Colonies, New Zealand, and the United Kingdom.

Telegraphs.

The year 1865 completed the first decade since the introduction of the telegraph into South Australia, during which period lines have been opened connecting 45 of the principal townships within the Colony, and establishing instantaneous communication with all the more important cities, ports, and towns throughout the whole continent of Australia, now linked together by a chain of telegraph wire 8,500 miles in length. Within this Colony 855 miles of telegraph have been opened, the length of wire erected amounting to 1,173 miles. During 1865 four new stations were opened. The number of messages transmitted was 112,344, exceeding the number sent in the previous year by 5,470. The receipts likewise show an excess, 11,735*l.* as against 11,341*l.* There is a falling off in the revenue from the intercolonial line, but this is more than made up in the augmented local business. On the intercolonial line, however, the receipts show a large increase over those of 1863, with which year it may be more fairly compared, as the augmentation in 1864 was owing to exceptional causes. The facilities afforded by the telegraph, both within the Province and in the quick communication with the neighbouring Colonies, are every year becoming more largely availed of, and, notwithstanding the moderate tariff of charges, are secured to the public without any additional cost beyond the original outlay. The total sum expended on telegraph lines and stations (completed and in progress) since its inauguration, amounts to 99,178*l.*, including the erection of substantial buildings, 12 of which also afford accommodation for the transaction of post office business.

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Conclusion.

In closing this report, I would call attention to the useful table at the end of the volume, showing side by side the principal statistical facts illustrative of the progress of the Colony from its foundation to the present time, and exhibiting at a glance the advancement of the community in social and material resources, from year to year.

I have, &c.
(Signed) J. BOOTHBY,
Assistant Secretary and Government Statist.

Western Australia.

WESTERN AUSTRALIA.

No. 21.

No. 21.

Copy of a DESPATCH from Governor Hampton to the Right Honourable Edward Cardwell, M.P.

(No. 55.) Government House, Perth,
Sir, February 19, 1866.

I have the honour to enclose the Blue Book of Western Australia for the year 1865, which has been forwarded to me with the accompanying explanatory letter from the Colonial Secretary, dated the 14th inst.

2. It may be gathered from the statistical and other information now transmitted, that the revenue for the year 1865 was in excess of the expenditure to the extent of 2,957*l.*; that the exports have increased, that trade is flourishing, and that large tracts of new country have been explored and partly occupied, in fact, the Blue Book exhibits throughout more satisfactory evidence as to the general prosperity of the Colony than ever has been produced in any similar document.

I have, &c.
To the Right Hon. E. Cardwell, M.P., &c. &c. &c. (Signed) J. S. HAMPTON,
Governor.

Enclosure in No. 21.

Colonial Secretary's Office, Perth,
Sir, February 14, 1866.

I have great satisfaction in forwarding at this early date for transmission to Her Majesty's Secretary of State for the Colonies, the Western Australian Blue Book for the past year (1865), and to testify to the prompt and correct manner in which the returns have been compiled and sent to me from the several officers in this widely extended territory.

Revenue and expenditure.

2. I am happy to state that the actual revenue received was in excess of that estimated by no less a sum than 3,904*l.* 18*s.* 11*d.*, and that on comparison with the actual revenue received in 1864, there appears an increase of more than 6,000*l.*, thus bearing testimony to the gradual and steady increase of the revenue.

The expenditure was in excess of the estimate of 1865 by 947*l.* 2*s.* 6*d.*, and of that in 1864 of 4,370*l.*

The increased revenue has been received mainly from customs duties and from the extended amount of land rented for pastoral purposes. This latter item may be looked on as a permanent addition to the annual revenue.

The increased expenditure in 1865 may be attributed to the settlement of the north district, and the necessary establishment of magistrates, surveyors, and police in connexion therewith, and the cost of transport thereto.

Public works.

3. Few public works of any great importance have been undertaken during the past year. The bridge over the river Swan at Fremantle is gradually progressing, and I shall doubtless be able next year to report its completion, and that uninterrupted communication has at length been established between the port and the capital. The convicts available for public works have been distributed throughout the Colony, in repairing and making roads and bridges, and generally on works for the benefit of the whole community.

Their labour has caused the roads to be kept in a tolerable state of order, at reasonable cost, and the sums available for works and roads have not been expended in full.

Cessation of transportation.

4. A natural feeling of apprehension exists, that the approaching cessation of transportation will throw a heavy burden on the colonists in respect to the keeping in order of the public highways, but there is no reason to believe that this will be felt to press heavily for some time, as convict labour to a certain extent must be available for many years, and the several sources of wealth now opening throughout the Colony will, it is trusted, enable the Government to meet this question without difficulty.

Legislation.

5. The legislation of the past year calls for little notice, but a review of the history of the Colony during that period must not be closed without a remark, however brief, to the existing feeling for a modification in the status of the Legislative Council. For some time a desire has been felt among a large class, that the time has arrived when the colonists should be permitted to exercise some influence in the conduct of public affairs, and viewing the approaching termination of transportation, and the fact that the Colony now pays its way, a petition for an elective council, in accordance with the provisions of the Imperial Act, 13th and 14th Vict., cap. 59., was submitted at the last session of the Legislative Council.

It suffices here to remark, that the petition was rejected and an amendment carried, that an addition to the number of non-official members would meet the present requirements of the Colony.

How far this amendment will satisfy the petitioners is a very doubtful question, on which it is perhaps inadvisable for me here to offer any opinion.

Population.

6. The population has slightly increased during 1865, the excess being little in addition to the number of convicts that arrived during the year. The immigrants that have arrived secured employment without difficulty, and female servants have been in great demand.

There is little doubt that a larger number of respectable farm servants and females would meet ready engagements at reasonable wages.

Savings Bank.

7. The Post Office savings banks established on the 1st September 1863 have been most successful, and are beginning to be appreciated as very useful institutions.

There were at the end of 1865 no less than 965 depositors, who had the aggregate sum of 9,593*l.* in the banks.

Education.

8. The number of scholars attending the Government schools is gradually on the increase, the average attendance during the past year being nearly 100 in excess of that in the previous year.

The paucity of the population and their scattered dwellings render the establishment of good schools available for large numbers very difficult, and it has been found better to assist the formation of small schools by settlers, with a grant in aid, so long as the teachers are approved by the Government and adhere to the rules laid down for the conduct of schools supported or assisted by public funds.

Imports and exports.

9. For the first time in the history of the Colony, the exports have exceeded the imports by a sum of 10,000*l.*, and the imports show an increase to that extent on the previous year, as those for 1864 did on the imports of 1863.

In 1865 also, for the first time, some 500 tons of flour the produce of the Colony were exported, as above the requirements for home consumption.

Consequent on the scanty harvest of 1865, caused by long and severe drought, there is little hope there will be any export of breadstuffs this year; but in average seasons for the future, I have little hesitation in saying there will be considerable margin for export.

I have no reason to believe the exports of 1865 are the results of an exceptional year, and fully believe that the current year will show an enlarged amount, except in the article "flour."

Shipping.

10. I have to report an increase in the tonnage entered and cleared in the several ports in the Colony. The amount, though small and representing but an addition of about 16,000 tons, may yet be taken as an indication of the gradual improvement in the trade of the Colony, steadily increasing year by year.

Cultivation, stock, &c.

11. I have again to note an increased amount of acreage under cultivation and a considerable addition to the live stock in the Colony. I have on former occasions reported that I believe the returns furnished to me on these heads are not generally to be depended on as substantially correct, and that they are in excess of the amount given. It would be almost impossible to furnish correct data on this subject, as the Government is dependent on the information given by interested parties who usually magnify their

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possessions. While I think the aggregate numbers are altogether too large, I have every reason to believe there is a very considerable increase in the numbers of sheep, horses, and cattle, the former especially.

Mines.

12. The mining capabilities of Western Australia only require to be thoroughly known to be appreciated. With the present small population and want of capital it is hopeless to work them profitably. Six mines have been working during 1865, and only 1,589 tons of ore have been exported, which is an increase of 433 tons over the amount exported in 1864. There is no doubt that if these and other mines were properly worked the export of copper and lead ore might be increased to an indefinite amount.

North and east districts.

13. The abandonment of the settlement at Camden Harbour, which was forced on this Colony by a large body of Victorian settlers, will retard the progress of the north district for some time. The time there wasted might have been usefully employed by the Government Resident and his party in exploring that portion of the coast from Tien Tsin to Roebuck Bay already occupied by squatting stations. This work is now being performed with a view to fix on a site for a port and town; and when these have been decided on, there can be little doubt that a settlement to some considerable extent will soon be made. The reports from Tien Tsin and Roebuck Bay are very satisfactory; the stock thrive and increase rapidly; the wool does not apparently deteriorate from tropical heat, and fresh shipments of stock are continually being made.

In the east district the Messrs. Dempster, hitherto the only squatters, have been joined by a squatter from South Australia, who is importing sheep from thence in considerable numbers.

Lease and sale of land.

14. I had the pleasure last year to note an increase of 150,000 acres of leased land in 1864 over the previous year; and I this year am glad to state that the acreage under lease in the settled districts has increased to the extent of upwards of 1,000,000 acres above 1864. In the north district there is additional country occupied to the extent of 2,000,000 acres. This latter does not, however, bear rent at present.

In ordinary seasons this extended occupation of country would indicate the formation of fresh stations and increased flocks; it must, however, be attributed to the great drought of 1865, which has made it necessary for squatters to take up well-watered country near the coast, hitherto considered useless for squatting purposes. Experience is, however, proving that this portion of the country, so long neglected, is very valuable for summer runs; and it is not at all probable that it will again revert to the hands of the Government. There is every reason to believe that large tracts of country hitherto considered worthless will be brought into useful occupation.

The sale of land in 1865 is less than that of the previous year. I, however, anticipate that within the next two years, during which period several of the old Class B. leases fall in, there will be very large purchases of land now held in Class B. leases, which will come under Class A., and be let on annual tenure, open to purchase by all persons at any time.

Crime.

15. It is satisfactory to observe that in the Supreme Court during 1865, out of 27 cases under trial there was only one free man, the remaining number being persons either convicts or originally of the convict class.

The return of summary convictions calls for little remark. Deducting the convictions for drunkenness and other offences not strictly of a criminal nature, the amount of crime is not very large when the nature of the population is taken into consideration.

16. In conclusion, I will only observe that the colonists have much to be thankful for during the past year.

While the inhabitants of the eastern colonies have been suffering from an unprecedented drought, and their flocks and herds been devastated for want of water, there has been no undue suffering from such cause in Western Australia.

In no year since registers have been kept has so little rain fallen, and though undoubtedly considerable inconvenience has been caused for want of water for stock, and much country rendered temporarily unavailable, there has been little or no actual loss, and the capabilities of the country have been tested. The drought, so far as it has extended to this Colony, will, if its influence does not continue during the current year, induce a favourable comparison of the capabilities of this with the other Colonies, and prove that much land hitherto looked on as worthless is very valuable for purposes of settlement.

I have, &c.

His Excellency the Governor, &c. &c.

(Signed) FRED. P. BARLEE.

NEW ZEALAND.

No. 22.

Copy of a DESPATCH from Governor Sir G. Grey, K.C.B., to the Right Hon. the Earl of Carnarvon.

(No. 9.) Government House, Wellington,
My Lord, January 12, 1867.

I have the honour to transmit for your information, copies of the Statistics of New Zealand for the year 1865.

I have, &c.
(Signed) G. GREY.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Report to the Hon. E. W. Stafford, Colonial Secretary, &c. &c. &c.

Registrar General's Office, Auckland,
Sir, October 1, 1866.

I have the honour now to present the statistics of New Zealand for 1865, completed in the form in which the statistical volumes for previous years (since 1853) have been issued. As you are aware, a very considerable proportion of the information has already been placed in the hands of the members of the Colonial Legislature, by means of four "divisions" of statistical tables which I forwarded to you at the earliest dates at which they could be prepared, and which were successively presented, by command of his Excellency, to both Houses of the General Assembly during the Parliamentary session of this year. Those divisions comprehended, the estimated population (with the tables from which the estimate was derived, viz., immigration and emigration, arrivals and departures between ports of the Colony, and births and deaths); trade and interchange (including shipping, and imports and exports, summarized and in detail); the series of tables relating to the post office; and the whole of the revenue tables, together with the tables relating to waste lands' sales, joint stock companies, and prices of provisions and live stock. All the tables thus issued by anticipation are, of course, included in this volume, which is, like its predecessors, designed for more general circulation and adapted for more permanent preservation.

In accordance with the plan pursued in former years, I proceed to give a general view of the substance of the most important information exhibited in the following tables, with some explanatory additions.

Population.

The triennial census of the Colony, taken for the night of the 1st of December 1864, necessarily forms the basis on which the population at the end of the year 1865 is to be calculated. The number of the people of European descent (exclusive of the military and their families) was then ascertained to be 172,158. Adding to this total the increase by excess of immigration over emigration and of births over deaths between the 1st and the 31st of December, amounting to 1,460, the estimated population on the 31st of December 1864 was 173,618,—viz., 107,301 males, and 66,317 females. During the year 1865, the excess of immigration over emigration was 12,309, and the excess of births over deaths 4,680, making the total (estimated) population on the 31st of December 1865 amount to 190,607, viz., 117,376 males, and 73,231 females. This increase of 16,989 during 1865 is centesimally (as compared with the numbers on 31st December 1864), an increase of 9·38 per cent. on males; 10·42 per cent. on females; and 9·78 per cent. on the whole population.

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The proportions in which this progress was distributed through the several quarters of the year is compendiously exhibited in the following summary :—

—	Males.	Females.	Total.
First Quarter.			
Excess of births over deaths during first quarter - - -	339	453	792
Increase from excess of immigration over emigration during first quarter - - - - - - - - -	2,066	2,118	4,184
Increase during first quarter - - - -	2,405	2,571	4,976
Second Quarter.			
Excess of births over deaths during second quarter - - -	425	529	954
Increase from excess of immigration over emigration during second quarter - - - - - - - - -	976	1,007	1,983
Increase during six months - - - -	3,806	4,107	7,913
Third Quarter.			
Excess of births over deaths during third quarter - - -	719	734	1,453
Increase from excess of immigration over emigration during third quarter - - - - - - - - -	2,502	754	3,256
Increase during nine months - - - -	7,027	5,595	12,622
Fourth Quarter.			
Excess of births over deaths during fourth quarter - - -	691	790	1,481
Increase from excess of immigration over emigration during fourth quarter - - - - - - - - -	2,357	529	2,886
Total increase during 1865 - - - -	10,075	6,914	16,989
Population as enumerated in the census of 2nd December 1864 (adding 1,460,—viz., males, 721 ; females, 739 ; the estimated increase between the 1st and 31st December 1864) - - - - - -	107,301	66,317	173,618
Estimated total population on the 31st December 1865 -	117,376	73,231	190,607

I have, as in other years, appended to the population table such an estimate of the population of the respective provinces as can be arrived at in the years when a census is not taken, adding, however, as before, an explanation of the reasons why the figures cannot be regarded as approaching so closely to accuracy as the estimate of the population of the whole Colony probably does. The numbers of births and deaths, and the immigration and emigration over-seas can, of course, be correctly compiled for each Province, but there are no means of ascertaining the amount of *overland migration* from one Province to another, and even the arrivals and departures between the several ports, as returned by the emigration officers, are evidently not to be fully relied on for this purpose; it being found that the arrivals largely exceed the departures shown in the returns, in consequence of the numbers of passengers who go on board after vessels have cleared at the customs, or are taken up at various places on the coast where there are no emigration officers. The numbers given for the Provinces, therefore, cannot be assumed to be more than an estimate (perhaps not very approximate) of the actual numbers, and, indeed, in its aggregate, necessarily exceeds the estimated total for the whole Colony by the excess of arrivals over departures in the official returns (amounting in 1865 to 8,072). Subject to the qualification thus stated, the distribution of the population in December 1865 appears to have been in the following proportions :—In the Northern Island, 38·93 per cent., and in the Middle Island, 61·07 per cent.; and in the Provinces separately, Auckland, 24·90 per cent.; Taranaki, 2·25 per cent.; Wellington, 9·62 per cent.; Hawke's Bay, 2·16 per cent.; Nelson, 6·99 per cent.; Marlborough, 2·74 per cent.; Canterbury, 24·41 per cent.; Otago, 23·39 per cent., and Southland, 3·54 per cent.

Immigration and Emigration.

The immigration (over seas) to New Zealand in the year 1865 amounted to 18,916 persons, viz., males, 11,776 adults and 1,451 children; and females, 4,270 adults and 1,419 children.

The emigration (over seas) from the Colony during the year amounted to 6,607 persons, viz., males, 4,949 adults and 377 children; and females, 986 adults and 295 children.

The net excess of immigration over emigration for the whole Colony was 12,309, being 3,782 more than the net excess in 1864, but 22,811 less than that in 1863, and 8,682 less than that in 1862.

In the Provinces, taken separately, in 1865, the net excess of immigration was, in Auckland, 6,096; in Taranaki, 13; in Wellington, 509; in Hawke's Bay, 21; in Nelson, 789; in Marlborough, 3; and in Canterbury, 5,435. In Otago and Southland the balance was on the other side, the emigration from those Provinces having exceeded the immigration by 352 from Otago, and 205 from Southland.

The following figures show the immigration and emigration of 1865, classified according to the countries from which the immigrants arrived and to which the emigrants went:—

Immigration.				Emigration.			
—	Males.	Females.	Total.	—	Males.	Females.	Total.
From the United Kingdom -	5,473	4,368	9,841	To the United Kingdom - -	309	200	509
„ Australian Colonies - -	7,443	1,151	8,594	„ Australian Colonies - -	4,861	1,032	5,893
„ Other British Ports - -	204	164	368	„ Other British Ports - -	0	0	0
„ Foreign States - - -	107	6	113	„ Foreign States - - -	156	49	205

It thus appears that the excess of immigration over emigration, viewed in relation to countries, was, United Kingdom, 9,332; Australian colonies, 2,701, and other British ports, 368. As respects foreign states, the emigration exceeded the immigration by 92.

For the reasons assigned above (as well as in a note to the table), the arrivals and departures between the several ports of New Zealand (although correctly compiled from the returns of the emigration officers), cannot be regarded as supplying accurate information as to the extent of migration from one part of the Colony to another. Being, however, the only approximation which it is possible to offer, it is given in the usual form. Though not exactly reliable, the figures show a largs migration to the Provinces of Wellington and Canterbury, the excess of arrivals over departures numbering in the former 3,107, and in the latter 9,425.

Births, Deaths, and Marriages.

Although the note, that "the numbers of unregistered births and deaths cannot be ascertained," is continued at the foot of the tables, and is still, no doubt, to some extent requisite, yet there is every reason to believe that the proportion of such cases has greatly diminished, owing to the large increase of districts under the Registration Act (of which, at the end of 1865, there had been 74 proclaimed), and also, I trust, to the more general diffusion of an intelligent appreciation of the benefits, not only public and social, but frequently private and personal, resulting from compliance with the provisions of the law on this subject.

Births. The total number of births registered in New Zealand in the year 1865 was 7,490, viz., 3,847 males and 3,643 females, being an increase of 989, viz., 513 males and 476 females, over the numbers registered in 1864.

Deaths. The total number of deaths registered in 1865 was 2,757, viz., 1,658 males and 1,099 females. It is satisfactory to find that, notwithstanding the increase of population, and the corresponding increase of births, the deaths in 1865 numbered 164 (100 males and 64 females) *less* than in 1864.

Of the deaths in 1865, 824, viz., 438 males and 386 females, were under one year of age; 248, viz., 131 males and 117 females, between one and two years; and 233, viz., 128 males and 105 females, between two and five years, making a total of 1,305 (697 males and 608 females), or 47·33 per cent. of the whole, under five years.

The general total of deaths includes 151 (viz., 142 males and nine females) occasioned by drowning, and 140 (viz., 120 males and 20 females) from other external causes, making a total of 291 (viz., 262 males and 29 females) from such causes, being 10·55 per cent. of the deaths during the year.

The annual loss of life by *drowning* is very considerable. Within the period of eight years in which this particular form of accidental death has been specifically noted in the tables, out of a total of 12,379 deaths, no less than 601, or 4·85 per cent., of the whole were owing to it.

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The following figures, although subject to some qualification on account of the unascertained numbers of births and deaths not registered, are interesting, as showing approximately the proportions to every 1,000 persons living in each of the last five years :—

Year.	Estimated Population at Middle of Year.	Births.		Deaths.	
		Number registered in Year.	Ratio per 1,000 living.	Number registered in Year.	Ratio per 1,000 living.
1861 - -	89,323	3,441	38·52	1,109	12·41
1862 - -	112,416	4,064	36·15	1,231	10·95
1863 - -	144,930	5,115	35·29	1,983	13·68
1864 - -	168,833	6,501	38·50	2,921	17·30
1865 - -	182,113	7,490	41·12	2,757	15·13

The average for the five years shows one birth to every 26 persons living, and one death to every 73 persons living.

The excess of births over deaths in 1865 was 4,733 (2,189 males and 2,544 females). The total excess of registered births over registered deaths in the eleven years included in these tables was 26,135, viz., 12,234 males and 13,901 females.

Marriages.

The number of marriages solemnized in New Zealand in 1865 was 1,908, being 30 more than in 1864. Of these, 1,758 were by officiating ministers of the different religious bodies, and 150 by registrars. The numbers solemnized by ministers of the several religious bodies were as follow :—United Church of England and Ireland, 508; Church of Scotland, Free Church of Scotland, and Presbyterian congregations, 652; Roman Catholic Church, 258; Wesleyan Methodists, 181; congregational Independents, 86; Baptists, 37; Primitive Methodists, 32; Lutheran Church, 2; and Hebrew congregations, 2.

The tables show the numbers of marriages in the respective Provinces in each year since "The Marriage Act, 1854," came into operation, and the numbers solemnized in each year by officiating ministers of the several religious bodies and by district registrars.

Trade and Interchange.

Shipping.

The information relating to shipping occupies six tables.

The first two show the numbers, tonnage, and crews of vessels entered inwards and cleared outwards at the several ports of New Zealand during the year 1865. The total inwards was 862 vessels, of 295,625 tonnage, being a decrease as compared with 1864 of 255 in the number of vessels, and 130,379 in the tonnage. The total outwards was 783 vessels, of 283,020 tonnage, being a decrease as compared with 1864 of 306 in the number of vessels, and 150,233 in the tonnage.

The next two tables show vessels, tonnage, and crews, classified according to the "countries whence arrived," and the "countries for which cleared." Of the total of 862 vessels inwards, 87, of 75,090 tonnage, arrived from the United Kingdom; 682, of 193,634 tonnage, from the Australian Colonies and other British possessions; and 93, of 26,901 tonnage, from Foreign countries (including the Southern whale fishery). Of 783 vessels outwards, 27, of 20,716 tonnage, cleared for the United Kingdom; 583, of 184,518 tonnage, for the Australian Colonies and other British possessions; and 173, of 77,786 tonnage, for Foreign countries (including the Southern whale fishery).

The following two tables show the "nationality" of the vessels inwards and outwards. Of the total (of 862) inwards, 201 vessels, of 127,456 tonnage, were British; 591, of 144,541 tonnage, Colonial; 31, of 11,427 tonnage, American; 22, of 6,321 tonnage, Chilian; 4, of 1,266 tonnage, German; 3, of 1,289 tonnaeg, Norwegian; 3, of 698 tonnage, French; 2, of 1,136 tonnage, Swedish; 2, of 273 tonnage, Tahitian; 1, of 772 tonnage, Russian; 1, of 278 tonnage, Dutch; and 1, of 168 tonnage, Danish. Of the total (of 783) outwards, 163, of 112,144 tonnage, were British; 572, of 153,159 tonnage, Colonial; 32, of 12,500 tonnage, American; 4, of 1,189 tonnage, French; 3, of 1,289 tonnage, Norwegian; 2, of 459 tonnage, German; 2, of 270 tonnage, Tahitian; 1, of 772 tonnage, Russian; 1, of 568 tonnage, Swedish; 1 of 278 tonnage, Dutch; 1, of 224 tonnage, Hanoverian; and 1, of 168 tonnage, Danish.

Registered Vessels.

The registered vessels belonging to ports of New Zealand (although the tables relating to them are placed in a subsequent part of the volume), may conveniently be referred to here. The total number in December 1865 was 466, of 24,484 tonnage;

being an increase of 43 vessels, of 1,911 tonnage, as compared with December 1864. Of the total in 1865, 300 vessels, of 13,094 tonnage, belonged to the port of Auckland.

Imports and exports.

The total value of the imports of the Colony in 1865 was 5,594,977*l.*, against 7,000,655*l.* in 1864, being a decrease of 1,405,678*l.*, or 20·08 per cent. This was the net decrease in the whole Colony, (there having been an increase in the Provinces of Wellington, Nelson, and Canterbury). The following figures show the increase or decrease in each Province in 1865, as compared with 1864:—

	£	
Auckland -	- Decrease 380,336,	or 17·04 per cent.
Taranaki -	- Decrease 45,306,	or 37·93 per cent.
Wellington -	- Increase 158,148,	or 39·83 per cent.
Hawke's Bay -	- Decrease 10,462,	or 10·65 per cent.
Nelson - -	- Increase 120,677,	or 43·13 per cent.
Marlborough -	- Decrease 11,266,	or 43·35 per cent.
Canterbury -	- Increase 17,794,	or 2·01 per cent.
Otago - -	- Decrease 860,433,	or 34·98 per cent.
Southland -	- Decrease 394,101,	or 77·92 per cent.

A comparison of the value of the imports in 1864 and 1865, according to the countries from which they were received shows the following results:—

	1864.	1865.	Decrease in 1865.
	£	£	£
United Kingdom -	3,259,174 -	2,606,994 -	652,180
British Colonies -	3,511,564 -	2,627,935 -	883,629
			Increase in 1865.
Foreign States - -	229,917 -	360,048 -	130,131
Totals - -	7,000,655 -	5,594,977	(Net Decr.) 1,405,678

Exports.

The total value of exports from New Zealand in 1865 amounted to 3,713,218*l.*, against 3,401,667*l.* in 1864, being an increase of 311,551*l.*, or 9·15 per cent.

Excluding the value of imported goods re-exported from the Colony, the comparison is still more favourable; the total value of exports of New Zealand produce and manufactures having amounted in 1865 to 3,503,421*l.*, against 3,050,634*l.* in 1864, being an increase of 452,787*l.*, or 14·84 per cent.

Gold.

Referring more particularly to the two great exports of the Colony, gold and wool, it appears that the total value of gold exported in 1865 was 2,226,474*l.*, against 1,857,847*l.* in 1864, being an increase of 368,627*l.*, or 19·84 per cent. Of the total value of gold exported in 1865, the following were the amounts of the produce of the gold fields in the respective provinces; Auckland, 21,115*l.*, Nelson, 266,833*l.*, Marlborough, 30,814*l.*, Canterbury, 903,549*l.*, Otago, 1,004,078*l.*, and Southland, 85*l.*

Wool.

The value of wool exported from the Colony in 1865 was 1,141,761*l.* against 1,070,997*l.* in 1864, being an increase of 70,764*l.*, or 6·60 per cent.

The information with regard to imports and exports, thus briefly summarised, will be found at large in this volume. Tables XVI. and XVII. show, in a condensed form, the total value of imports and exports respectively for each year from 1853 to 1865 inclusive. Tables XVIII. and XIX. show the details of imports and exports at the several ports of the Colony in 1865. The nine following tables (XX.—XXVIII.) contain summaries presenting compendiously the totals of the several articles of export in 1865, as compared with previous years. Separate tables of this description are appropriated to gold, grain, Kauri gum, oil, potatoes, timber, and wool, distinguishing the exports from the several Provinces.

Revenue of the Colony.

The customs revenue in 1865 amounted to 730,008*l.*, against 592,346*l.* in 1864, being an increase of 137,662*l.*, or 23·24 per cent. The following figures show the progress of this branch of revenue during the last five years:—

	£	£
1861 - -	260,863, being an increase of	71,695, or 37·90 per cent.
1862 - -	399,436, „ „	138,573, or 53·12 „
1863 - -	592,050, „ „	192,614, or 48·22 „
1864 - -	592,346, „ „	296, or 0·05 „
1865 - -	730,008, „ „	137,662, or 23·24 „

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The total ordinary revenue in 1865 amounted to 936,945*l.*, against 815,676*l.* in 1864, being an increase of 121,269*l.*, or 14·86 per cent. In 1864 as compared with 1863 the advance was 73,172*l.*, or 9·85 per cent. In 1863 there was an advance over 1862 amounting to 234,172*l.*, or 46·06 per cent.

The total territorial revenue in 1865 amounted to 500,045*l.*, against 714,770*l.* in 1864, being a decrease of 214,725*l.*, or 30·04 per cent. But in 1864 there was an increase, as compared with 1863, amounting to 190,366*l.*, or 36·30 per cent. On the other hand, in 1863 there was a decrease of 82.426*l.*, or 13·58 per cent., as compared with 1862; but again in 1862 there was an increase of 259,476*l.*, or 74·70 per cent., as compared with 1861.

The total of the revenue (both ordinary and territorial), amounted in 1865 to 1,436,990*l.*, against 1,530,446*l.* in 1864, being a decrease of 93,456*l.*, or 6·10 per cent. On reference to the comparative table of revenue, No. XXXI., it will be seen that of the 13 years included in that table, 1855, 1860, and 1865 were the only years in which the aggregate amount of ordinary and territorial revenue did not show an increase; and that in each of those years the falling off was owing to fluctuations in the amount of territorial revenue, the ordinary revenue having gone on steadily advancing from year to year. The total of both in 1864 showed an increase as compared with 1863 amounting to 263,538*l.*, or 20·80 per cent.; the total in 1863 was an increase over 1862 amounting to 151,746*l.*, or 13·60 per cent., and the total in 1862 showed an advance of 443,662*l.*, or 66·07 per cent., over 1861.

A table is subjoined, presenting a comparative view of the revenue, ordinary and territorial, of the several Provinces in 1864 and 1865, specifying the centesimal increase or decrease in each province in the latter year:—

Provinces.	Ordinary Revenue.			Territorial Revenue.			Total Ordinary and Territorial.		
	1864.	1865.	Centesimal Increase or Decrease.	1864.	1865.	Centesimal Increase or Decrease.	1864.	1865.	Centesimal Increase or Decrease.
	£	£		£	£		£	£	
Auckland	184,920	225,157	incr. 21·75	14,566	6,864	decr. 52·87	199,486	232,021	incr. 16·30
Taranki	26,436	20,610	decr. 22·03	—	—	—	26,436	20,610	decr. 22·03
Wellington	76,429	113,783	incr. 48·87	44,945	50,522	incr. 12·40	121,374	164,305	incr. 35·37
Hawke's Bay	18,345	25,599	incr. 39·54	20,420	22,730	incr. 11·31	38,765	48,329	incr. 24·67
Nelson	37,683	51,061	incr. 35·50	26,661	20,131	decr. 24·49	64,344	71,192	incr. 10·64
Marlborough	10,879	10,154	decr. 6·66	39,487	13,641	decr. 65·45	50,366	23,795	decr. 52·75
Canterbury	114,092	192,663	incr. 68·86	251,281	200,932	decr. 20·03	365,373	393,595	incr. 7·72
Otago	284,617	263,066	decr. 7·57	247,922	180,934	decr. 27·01	532,539	444,000	decr. 16·62
Southland	62,098	34,757	decr. 44·02	69,488	4,291	decr. 93·82	131,586	39,048	decr 70·32
Chatham Islands	177	95	decr. 46·32	—	—	—	177	95	decr. 46·32
	815,676	936,945	incr. 14·86	714,770	500,045	decr. 30·04	1,530,446	1,436,990	decr. 6·10

Income and Expenditure.

The income and expenditure of the Colony in 1865 are shown in three tables. The first of these exhibits, on opposite pages, income and expenditure in their various branches, as relating to the Colonial Treasury and the Provincial Treasuries taken collectively. The two succeeding tables show the income and expenditure of the several Provinces taken separately.

A table follows which shows in detail the receipts and disbursements of the receivers of land revenue in the several Provinces.

Funded Debt.

The funded debt of the General and Provincial Governments on the 31st of December 1865, (to which date the information it is to be understood strictly applies,) is shown in a table which specifies the following particulars; the authority under which each liability was incurred; the amount authorized to be borrowed; the amount of debentures in circulation; the rates of interest; the rates of sinking funds; when the debentures are redeemable; the amounts of sinking funds accrued; and what amounts are invested, and in what manner. Explanatory remarks, (necessary in some instances,) are added. It will be seen that at the end of 1865 the total amount authorized to be borrowed was 6,269,000*l.* The total amount of debentures in circulation was 4,368,681*l.* 11*s.* 4*d.* The total amount of sinking funds accrued was 136,197*l.* 7*s.* 6*d.*

Joint Stock Companies.

The total number of joint stock companies incorporated under the Acts of 1860 and 1862, to the end of 1865, was 60. Of these, one was incorporated in 1861; 13 in 1862; 19 in 1863; 12 in 1864; and 15 in 1865. Of the companies established in 1865,

five were in the Province of Auckland; two in the Province of Taranaki; one in the Province of Marlborough; and seven in the Province of Otago. Various particulars relating to the several companies from the commencement of the operation of the Act of 1860 will be found in the table.

Land Sales.

The first of three tables occupied by information relating to land sales shows the waste lands sold or otherwise disposed of in the several Provinces during the year 1865. The second contains a summary of the totals for each Province during the entire period from the 1st of April 1856 (the earliest date to which the information could be carried back with accuracy), to December 1865. The third, by a classification relating to time rather than to locality, shows the totals for the whole Colony during each year of that period.

Prices of Provisions and Live Stock.

The average prices of provisions and live stock in the several Provinces in the year 1865 are shown in a table prepared on the same plan as in former years.

Post Office.

The total numbers of letters received at the several chief post offices during the year 1865, were—Foreign (from places without the Colony), 545,407, against 615,783 in 1864; and Inland (within the Colony), 1,690,251, against 1,496,988 in 1864; making a general total of 2,235,658, against 2,112,771 in 1864. The total numbers of letters despatched from the several chief post offices, and passing through the post offices in the several Provinces in 1865, were—Foreign, 593,429, against 639,809 in 1864; and Inland, 1,649,412, against 1,481,040 in 1864; making a general total of 2,242,841, against 2,120,849 in 1864.

The total numbers of newspapers received at the several chief post offices during 1865 were,—Foreign, 1,080,875, against 1,065,092 in 1864; and Inland, 731,374, against 766,390 in 1864; making a general total of 1,812,249, against 1,831,482 in 1864. The total numbers of newspapers despatched from the several chief post offices, and passing through the post offices in the several Provinces in 1865, were—Foreign, 661,506; and Inland, 1,742,522; making a general total of 2,404,028, against 2,546,932 in 1864.

A separate Table shows in detail the numbers of letters despatched to places out of the Colony during 1865; specifying the offices from which they were despatched and the places of their destination.

A comparative table shows the postal revenue in detail in the several Provinces for the years 1858 to 1865 inclusive. The total amount in 1865 was 46,475*l.* 9*s.* 3*d.*, against 39,198*l.* 19*s.* 10*d.* in 1864; being an increase of 7,276*l.* 9*s.* 5*d.*, or 18·56 per cent. This does not include the sums received on the issue of money orders (1,463*l.* 18*s.* 6*d.*), or for telegraphic messages (1,633*l.* 14*s.* 6*d.*)

The total number of money orders issued in New Zealand in 1865 was 17,236, against 16,591 in 1864, being an increase of 645. The total amount of these orders was 78,576*l.* 3*s.* 8*d.*, against 78,556*l.* 19*s.* 6*d.* in 1864, being an increase of 19*l.* 4*s.* 2*d.* The total number of money orders paid in New Zealand in 1865 was 7,639, against 5,619 in 1864, being an increase of 2,020. The total amount of these orders was 36,409*l.* 17*s.* 1*d.*, against 26,467*l.* 13*s.* 8*d.* in 1864, being an increase of 9,842*l.* 3*s.* 5*d.*

Legal and Criminal Statistics.

The legal and criminal statistics of the Colony are shown in a series of ten tables. They include the criminal and the civil cases brought before the Supreme Court and the Resident Magistrates' Courts respectively, distinguishing in the latter class, the cases in which Europeans, or Maories, or both were concerned. A comparative summary shows the number of convictions in the Resident Magistrates' Courts for each of the most frequent offences, in each year from 1853 to 1865 inclusive. In the last table of this series will be found the numbers committed to gaol during 1865, specifying the sexes, the causes of imprisonment, the native countries, the classes (as to social position), and the degree of education of the prisoners. The total number committed was 3,805 (viz., 3,341 males and 464 females), being 339 committals less than in 1864, when the total was 4,144.

Savings Banks.

The table relating to savings banks shows with regard to each of these institutions—the date of its establishment, the number of depositors (distinguishing Europeans and

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Maories), the amounts to the credit of such depositors on the 31st December 1865, and the amounts deposited and withdrawn during the year. The total number of persons having deposits in these banks in December 1865 was 4,304, against 4,669 in 1864;—The total amount to the credit of such depositors was, in December 1865, 87,400*l.* 2*s.* 3*d.*, against 94,248*l.* 6*s.* 8*d.* in December 1864, and 44,117*l.* 3*s.* 3*d.* in December 1863.

Public Schools.

Although the information on the all-important subject of education embodied in the table is not as full and complete in some particulars as would be desirable (and as I trust will be found attainable in future years), yet it presents, on the whole, a better compendious view of the public schools in the Colony than it was in my power to give on previous occasions. According to the returns from which it was compiled, there was in New Zealand in December 1855 a total of 237 public schools (viz., 23 boys', 16 girls', and 198 mixed). The total number of teachers (excepting Marlborough, the return from which Province is defective in this particular) was 285 (viz., 200 male and 85 female teachers). The total (highest) number of pupils on the books in the December quarter was 11,859. The proportions of these totals in the several Provinces will be found detailed in the table (No. LXI.), which also shows, so far as the returns obtained from the respective Provincial Governments contain the information, the average daily attendance, the ages of the pupils, and the branches of education taught.

Meteorology.

The meteorological tables (which have been supplied from the office of Dr. Knight, Director of Meteorological Stations in the Colony), are more extended and elaborate than in previous years, showing an advance upon the information for 1864 as marked and gratifying as was that for 1864 in comparison with 1863. The series includes nine tables, the first of which gives a comparative view of the climate at the meteorological stations in New Zealand (with the exception of Napier, from which the requisite returns were not received); and the following eight embody the results of observations at Mongonui, Auckland, Taranaki, Wellington, Nelson, Christchurch, Dunedin, and Southland.

I am, &c.
(Signed) JOHN B. BENNETT,
Registrar-General.

EASTERN COLONIES.

CEYLON.

No. 23.

CEYLON.

No. 23.

COPY of a DESPATCH from Governor Sir H. G. R. ROBINSON to the Right Hon. the Earl of CARNARVON.

(No. 232.) Queen's House, Colombo, Ceylon,
MY LORD, October 15, 1866.

IN forwarding the Blue Book of Ceylon for the year 1865, I have the honour to submit the following report upon its contents.

Revenue and Expenditure.

2. The revenue of 1865 exceeded that of 1864 by 110,764*l.* 3*s.* 7*d.*, being respectively 978*l*,492*l.* 6*s.* 9*d.* and 867,728*l.* 3*s.* 2*d.* The following are the principal items of increase:—Arrears of revenue, 10,622*l.* 17*s.* 7*d.*, owing to recoveries made in 1865 of large balances which were outstanding at the end of 1864 of the toll and other rents of that year. Imports, 14,321*l.* 7*s.* 11*d.*, arising from a larger importation of grain in 1865, and exports 9,329*l.* 18*s.* 11*d.*, owing to a larger exportation of coffee. Under the head of Land Revenue there is an increase of 41,199*l.* 2*s.* 7*d.* in the item of paddy, the result of the successful cultivation of that article in the western, north-western, and southern Provinces, and the levying of a higher rate fixed for the collection of the commutation tax on grain in the Central Province. The higher offers obtained for the toll rents and the arrack rents caused an increase of 4,452*l.* 3*s.* 1*d.* under the former, and of 15,860*l.* 12*s.* 10*d.* under the latter head. Under the head of stamps, the increase on judicial and blank stamps was 6,105*l.* 1*s.* 3*d.*, and on postage stamps 672*l.* 10*s.* The actual increase in the item of salt under the head of Sale of Government property was 9,862*l.*, but owing to a decrease in the sale of salt for consumption in the released districts, to the extent of 6,800*l.*, the amount was reduced to 3,062*l.* Under this head there is also an increase of 2,058*l.* 19*s.* 10*d.* from the sale of commissariat stores, &c., and of 3,743*l.* 3*s.* 3*d.* from the sale of timber, the latter being the result of the introduction of a new scale of duties at higher rates in the Eastern Province.

3. The total ordinary expenditure of the year amounted to 838,193*l.* 9*s.* 7*d.* The excess of revenue over the expenditure was therefore 140,298*l.* 17*s.* 2*d.* In addition to the above sum of 838,193*l.* 9*s.* 7*d.*, there was expended a further sum of 28,161*l.* 16*s.* 11*d.* for civil and military works and roads, streets, and bridges, which was charged to balances of former years.

4. As compared with the expenditure of the preceding year, that of 1865 shows a decrease of 5,098*l.* 4*s.*, viz., Establishments, 3,990*l.* 4*s.* 5*d.*, and Services, exclusive of Establishments, 1,107*l.* 19*s.* 8*d.* Under the head of Establishments the difference in the expenditure of the two years was chiefly owing to the circumstance of the salaries of December 1864 having been paid in that month, instead of at the commencement of the ensuing month, so that the salaries of 13 months were brought to account in 1864, as explained in my Despatch No. 134 of the 16th September 1865. Under the head of Police and Gaols there was an increase of 2,853*l.* 10*s.*, caused by the heavy expenses incurred on account of provisions and other necessaries for prisoners. There was a decrease of 14,535*l.* 6*s.* 5*d.* under the head of Works and Buildings, and of 20,062*l.* 2*s.* 3*d.* under the head of Roads, Streets, and Bridges; but it must be remembered that in addition to the sums expended under these heads from the ordinary revenue, there was a further expenditure, as already stated, of 28,161*l.* 16*s.* 11*d.* on estimates sanctioned in preceding years, and charged to balances. There was a larger expenditure in the purchase of stores, &c. in 1865, causing an increase under the head of Colonial Commissariat of 12,030*l.* 9*s.* 10*d.* In the contribution to the Military Expenditure there is an increase of 46,000*l.*, the amount having been raised from 54,000*l.* to 100,000*l.*, whilst there is a decrease of 34,024*l.* 7*s.* 6*d.* under the head of Colonial Pay and Allowances, the pay and allowances of military officers being no longer paid by the Government but from the contribution to the military chest.

Assets and Liabilities.

5. From the return furnished by the Auditor-General of Assets and Liabilities, it will be seen that the total amount of assets on the 1st January 1866 was 543,514*l.* 4*s.* 2*d.*, the

cash balances in the treasury and the different cutcherries amounting to 432,272*l.* 17*s.* 6*d.* In the assets is included a sum of 89,505*l.* 16*s.* 4*d.* on account of revenue debts outstanding, of which 32,258*l.* is considered irrecoverable, and 3,648*l.* is awaiting the decision of courts of law. The amount of liabilities on the 1st January 1866 was 180,440*l.* 7*s.*, and the apparent balance in favour of the Government was therefore 363,073*l.* 17*s.* 2*d.* This sum is, however, liable to a further charge of 61,888*l.* on account of works and services chargeable on balances, which reduces the actual excess of assets over liabilities at the commencement of the present year to 301,185*l.* 17*s.* 2*d.* This amount does not correspond with that given in the statement forwarded with my Despatch No. 128, of the 22nd June last, in which the net available cash balance on the 1st January 1866 was stated to be 219,697*l.*, because, as explained in that Despatch this latter amount was arrived at by simply deducting from the cash in hand the total liabilities of the Colony, viz., 231,901*l.*, all assets other than cash being ignored. The Blue Book statement includes further as liabilities a sum of 911*l.*, balance of government notes in the hands of the public, which it is not likely will ever be presented for payment, and a sum of 9,521*l.*, balance unexpended under old Surplus Funds Ordinances, which it is not necessary to retain any longer as a liability, as the works under those ordinances have been completed. Deducting these two sums, the amount of liability in the Blue Book return will be reduced to 231,896*l.*, which corresponds with the amount given in the statement transmitted with my Despatch of the 22nd June.

6. The Blue Book statement does not include further liabilities to the extent of 698,169*l.* incurred on account of Ceylon Government debentures sold in England for railway purposes, and interest due thereon, to meet which special funds have been provided by the Ordinance No. 7 of 1864.

Debentures sold -	£450,000
Interest - -	248,169
	£698,169

Military Expenditure.

7. The total expense incurred in Ceylon on account of the military defence of the Colony in 1865 was 215,732*l.* 3*s.* 3*d.*, being in excess of the expenditure of the preceding year by 20,039*l.* The following are the proportions in which the expenditure was borne by the mother country and the Colony:—

	£	*s.*	*d.*
Great Britain - - - -	79,133	8	11
Ceylon - - - - -	136,598	14	4
Total -	215,732	3	3

Imports and Exports.

8. The value of goods imported in 1865 was 3,298,511*l.* 17*s.* 10*d.*, showing a decrease of 457,399*l.* 9*s.* 1*d.*, as compared with that of 1864, which amounted to 3,755,911*l.* 6*s.* 11*d.* In the exports there was an increase of 407,507*l.*, the value for the two years having been,—1864, 2,661,647*l.* 4*s.* 6*d.*; 1865, 3,069,155*l.* 1*s.* 5*d.*

9. Adding the amount of specie imported and exported, which is not included in the above figures, the total value of the imports and exports of 1865, as compared with those of the preceding year, stands thus:—

Imports.

1864 - - -	£5,526,964	3	4
1865 - - -	5,022,179	4	9

Exports.

1864 - - -	£3,111,268	15	6
1865 - - -	3,565,157	1	5

10. The total value of goods and specie imported and retained in the Colony during 1865 amounted to 3,697,094*l.*

11. The total value of goods exported in 1865, exclusive of imports exported, amounted to 2,240,073*l.*

12. In the imports the principal items of decrease are:—

Arms and ammunition from Great Britain -	£ 16,784
Cotton goods - - - - -	467,588
Do. twist - - - - -	65,691
Hardware and cutlery - - - -	45,671
Other metals - - - - -	31,945
Spirits - - - - - -	18,968

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13. The decrease is mainly attributable to the state of trade and manufacture in Great Britain.

14. On guano imported from Peru, there was a decrease in the value to the amount of 33,300*l.*

15. There was an increase on rice imported from British India, to the amount of 301,514*l.*

16. On specie imported from Mauritius, Australia, and Suez, there was a decrease to the amount of 356,056*l.* This is nearly balanced by an increase in specie imported from British India to the amount of 308,685*l.*

17. In the exports the increase is attributable mainly to the larger quantity of coffee exported in 1865, which was 927,440 cwts., whilst in 1864 it was only 671,164 cwts. The largest export of coffee yet made during one year, and the largest amount of export duties collected, was in 1865. The trade in cocoa-nut oil considerably decreased in 1865. There was a falling off of nearly one half the quantity and value compared with 1864, the quantities being :—

1864	- - -	2,249,402 gallons.
1865	- - -	1,176,784 „

The exportation of plumbago shows also a decrease of 43,885 cwts. in 1865. In cinnamon there was an increase of 74,298 lbs.; the quantity exported in 1864 being 776,675 lbs.; and in 1865, 850,973 lbs.

18. The revenue derived from imports and exports in 1865 was 291,091*l.* 6*s.* 2*d.*, showing an increase of 19,832*l.* 6*s.* 5*d.*, as compared with that of the preceding year, which amounted to 271,258*l.* 19*s.* 9*d.* The apparent anomaly of an increase in the import duties in 1865 of nearly 10,000*l.*, whilst the value of goods imported was less than in the preceding year by more than half a million, may be accounted for by the high prices and the unsettled state of trade in the home markets, coupled with the extraordinary large stock of goods in bond in January 1865. This checked importation during the year, but the previous supplies in bond were drawn upon, and by the end of the year this large reserve was almost exhausted. Now, however, the import trade has again revived, and the stocks on hand that were brought so low are being fully replaced.

Imports - -	£9,964	11	9
Exports - -	9,867	14	8
	£19,832	6	5

19. I append to this Despatch a return of exports of coffee, cinnamon, cocoa-nut oil, and coir for the last ten years*; return of the total value of imports and exports (including specie and bullion), in the years 1863, 1864, and 1865; and a statement of the number and tonnage of vessels entered and cleared in the same years.

Public Works.

20. In addition to the return of public works included among the Blue Book returns, I forward the following documents required by Her Majesty's Government :—

*Estimated expenditure out of Surplus Funds for 1866.

*Analytical statement of progress of Public Works borne on the budget of 1866.

*Progress of expenditure on Surplus Fund Ordinances from 1857 to 1865, and the estimated expenditure for 1866.

Profit and loss on works undertaken as remunerative from ditto to ditto ditto.

21. I enclose also a copy of a report* by the Civil Engineer and Commissioner of Roads on the state of the Public Works Department, and a report on the progress and expenditure on roads and receipts from tolls for the year 1865.

22. From the abstract attached to the Blue Book return furnished by the Civil Engineer, it will be seen that the total expenditure on public works during the past year amounted to 230,710*l.* 5*s.* 5½*d.*, viz. :—

Government money - - - - -	£180,694	0	7¾
Commutation money paid in assessment for labour under the Road Ordinance and private contributions - -	27,333	18	10¼
Cost of establishment - - - - -	22,682	5	11½
	£230,710	5	5½

23. As compared with 1864, the expenditure of 1865 shows an excess of 10,690*l.*, that for 1864 being only 220,019*l.* This result does not correspond with the statement made in the fourth paragraph of this Despatch, in which I pointed out that the return of expenditure furnished by the Auditor General showed that there was a decrease in the expenditure on public works in 1865 as compared with that of 1864. The discrepancy may be explained by the fact that the Auditor General's return is limited only

to the ordinary expenditure of the year; whilst the Civil Engineer's statement includes in addition Road Ordinance funds and private contributions, as also the expenditure on works charged to balances of former years; this latter charge appearing for the first time in the Civil Engineer's accounts of last year.

24. The amount expended on opening new roads was 24,596*l.* 14*s.* 0¾*d.*, viz., 16,489*l.* 18*s.* 10½*d.* Government money, and 8,106*l.* 15*s.* 2¼*d.* Road Ordinance funds and private contributions. The following are some of the principal roads in course of construction last year:—

Western Province.

Road from Warakapolle to the railway station at Keenadenia -	£5,234	19	6
From Marandahn to the sea-shore road, Korteboon - -	2,042	11	6¼
From Government factory to the railway station, Marandahn	1,311	9	4

Central Province.

A gravel carriage road to Haldemulle - - -				5,184	6 10½
From Dimbool Gap to Nan Oya:—					
Government money - - -	£1,594	1	5¼		
Private contribution - - -	2,609	10	1½		
				4,203	11 6¾
Extension of the Doltelle road:—					
Government money - - -	£ 550	0	0		
Private contribution - - -	1,000	0	0		
				1,550	0 0
From Kaloobokke to Cabragalle:—					
Private contributions - - - - -				1,735	6 11½

25. The amount expended on the repair and upkeep of roads, streets, and canals was 140,889*l.* 6*s.* 6¾*d.*, viz., Government money, 121,856*l.* 16*s.* 6¼*d.*; Road Ordinance funds, 19,032*l.* 10*s.* 0½*d.* The cost of the repair of the road from Colombo to Galle, Matura, Tangalle, and Hambantotte was 11,541*l.* 10*s.* 5½*d.*; the receipts from tolls being 8,329*l.* The expenditure on the road from Colombo to Kandy was 26,800*l.* 16*s.* 5½*d.*; the receipts from tolls on this road amounted to 32,165*l.*

26. The sum expended for new bridges was 3,077*l.* 5*s.* 10½*d.*

27. The following are some of the principal bridges in course of construction last year:—

Iron lattice bridge over the Rattote Oya -	£407	1	4½
Iron lattice bridge over Dambool Oya -	1,295	16	3

28. The expenditure incurred on account of the repair of bridges amounted to 3,734*l.* 4*s.* 1½*d.*, viz.:—

Government money - - -	£3,363	4	8
Private contributions - - -	100	19	5½

29. The expenditure on new buildings was 1,692*l.* 12*s.* 9*d.*

30. The following were some of the most important of the buildings in progress last year:—

Western Province.

A church at Kaigalle - - -	£200
A gaol at Caltura - - -	225

Southern Province.

A new gaol at Galle - - -	£500

31. The amount expended on the repair of existing buildings was 7,899*l.* 13*s.* 5¼*d.*, and on drainage, construction of ferry boats, and general service, 1,785*l.* 19*s.* 10*d.*

32. On miscellaneous services, including the purchase of tools, working of the factory, the purchase of draught cattle, subsistence of elephants, the importation of pioneers, and labourers from the continent of India, there was an expenditure of 24,528*l.* 8*s.* 8¼*d.*

Government Houses at Colombo, Galle, and Kandy.

33. The report* of the Civil Engineer on the state of the Queen's houses at Colombo and Galle, and the Pavilion at Kandy shows that these houses are in fair order. The Queen's houses at Colombo and Galle require certain repairs, which will be effected in

* Not printed.

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due course. I enclose also the report* of the Deputy Commissary General on the condition of the furniture in these houses.

* Not printed.

Surveying Department.

34. This department has sustained a loss by the death last year of its late head, Colonel Sim, who devoted all his energies and abilities to carrying out successfully the various surveying operations of the Colony. The report* which I now enclose is furnished by Mr. Noad, who was nominated to act temporarily as Surveyor General, pending the appointment of Captain Fyers, the present head of the department.

* Not printed.

35. The report shows that the total extent of Crown lands sold last year was 27,902 acres, which realized 58,037*l.* In 1864 the extent of Crown land sold was larger, viz., 30,294 acres, and the amount realized was 65,716*l.*

36. The following are the results of the sales of Crown lands in the different Provinces as compared with the sales in the preceding year:—

	1864.		1865.	
	Quantity sold.	Amount realized.	Quantity sold.	Amount realized.
	Acres.	£	Acres.	£
Western Province	13,733	29,939	8,384	15,636
Central Do. -	13,469	30,138	11,913	19,158
Southern Do. -	926	3,006	5,249	19,718
Eastern Do. -	1,007	1,460	1,532	1,966
N. Western Do. -	986	1,496	779	1,506
Northern Do. -	173	277	45	53

37. In the Central Province the greater portion of the lands purchased are intended as additions to the coffee estates in the several districts, the lots applied for by the natives being generally small in extent.

38. In the Southern Province too, where there has been a large increase in the sales, a considerable portion is required for coffee cultivation in the district of Morowa Corle; but the increase in this Province is chiefly to be attributed to the equitable adjustment of the titles of parties holding property under tenure of temporary occupancy from the Crown in the Galle Bazaar.

39. The Surveyor General points out that the distinctive feature in the surveying operations of the Western Province consists in the fact that applications for lands are of moderate acreage, and almost universally from natives, and generally for purposes of cocoa or paddy cultivation.

40. In addition to the Crown lands sold, 7,065 acres of temple lands were surveyed, and 6,183 acres were alienated as encroachments sold or given at a valuation, free grants or settlements for certificates against the Crown, and the amount realized therefrom was 3,068*l.*

41. The total extent of land sold and otherwise disposed of in the several Provinces during the year was 41,150 acres, and the total receipts, including survey fees (7,171*l.*) amounted to 68,276*l.*

42. In order to expedite the survey of temple lands, which it is necessary should be completed without delay, a contract has been entered into with a private surveyor for the execution of this work, on the understanding that it shall be completed within two years, at an average rate of 75,000 acres per annum, and at a cost of 3*s.* per acre, and the work is now in progress.

43. In consequence of the representations of some of the Government agents that there were numerous applications for the purchase of Crown land, which it was not possible to meet owing to the inability of the Surveyor General's department to have the lands surveyed, I sanctioned an addition of 13 surveyors to the staff of the department, on the understanding that they are to be discontinued as soon as the special object for which they are required shall have been attained.

Electric Telegraph.

44. I enclose the report* of the Acting Superintendent of Telegraphs on the working of the lines during 1865.

* Not printed.

45. The additional line between Galle and Colombo, which was completed in 1864, was opened only on May last. As it is only an alternative line, and its construction has not entailed the opening of any fresh offices, it has not contributed directly to the revenue.

46. The old line between Galle and Colombo, owing to the action of the saline atmosphere on the wire, is not in a very satisfactory state; and there have been in consequence frequent interruptions of communication.

47. The line from Colombo to Kandy too has not worked well during the year. This line will be replaced by one which is now in course of erection along the railway embankment.

48. The line from Kandy to Dambul has been entirely re-constructed, with the view to the erection on the same supports of the line to connect Trincomalie and Kandy; and it has worked very well since its re-construction.

49. The unsatisfactory state of this department during the year must be ascribed chiefly to the absence from illness, and the frequent changes of the officer at its head, and to the insufficiency of the staff; arrangements are now in progress for placing the department on a more efficient footing.

50. The total collections on service and private messages during the year amounted to 16,519*l.* 3*s.* 7*d.* Deducting from this a sum of 116*l.* 19*s.* 7*d.* due to the Indian Government on account of messages received from India, and 8,302*l.* 5*s.* 2*d.* due to the Indo-European line, the amount to the credit of Ceylon is 8,099*l.* 18*s.* 9*d.*, which shows an increase in the profits of the department on the transactions of the year, as compared with 1864, of 504*l.* 4*s.*, the receipts in 1864 having been 7,595*l.* 14*s.* 9*d.* The expenditure of the department in 1865, including charges for the repair of the lines, amounted to 5,694*l.* 18*s.* 11*d.*, showing an increase of 390*l.* 2*s.* over the expenditure of 1864, which was 5,304*l.* 16*s.* 11*d.*

51. The enclosed reports* from the Director-General of the Ceylon Railway, for the half years ending 30th June and 31st December 1865, show that the progress of the works during the past year was satisfactory.

* Not printed.

52. The line was opened for the conveyance of passengers between Colombo and Ambepusse, a distance of nearly 35 miles, on the 2nd October last, and for goods traffic from the commencement of the present year; and it is hoped that it will be shortly ready for traffic, as far as Polgahawella, which is about 45 miles from Colombo.

53. The receipts from the traffic are not at present sufficient to cover the working expenses; but at times they exceeded the expenditure. On the whole the traffic on the railway may be considered satisfactory, and it is hoped that it will be large and remunerative when the railway is opened throughout.

54. The total amount of the different works executed from the commencement to the end of December 1865 is as follows:—

Earthwork completed amounts to nearly three-fourths.
Tunnels, three-fourths.
Bridges, very nearly three-fourths.
Culverts, nearly all.
Retaining walls, more than two-fifths.
Permanent way and materials, more than three-fifths.
Sundry work and contingencies, not quite three-fourths.

55. The amount expended on the works last year was 187,152*l.*, viz. 168,819*l.* in Ceylon, and 18,333*l.* for materials from England; the average monthly expenditure being between 15,000*l.* and 16,000*l.*

56. The total value of works under the contract is - - -	£873,039
Value of work done to the 31st December 1865 - - -	612,980
Remaining - - - -	£260,059

So that an amount of work equivalent to an average monthly expenditure of 20,000*l.* is required to complete the works within the time specified in the contract.

Legislation.

57. There were 29 ordinances enacted in the year 1865, of which Nos. 1 and 2, passed at the commencement of the year, formed a portion of the legislation of 1864. No. 1 provided for the contingent charges of the year 1865; and No. 2, entitled "An Ordinance "to amend the Land Registration Ordinance No. 8 of 1863," introduced certain modifications suggested by the Secretary of State, as well as a few other amendments, the neces-

sity for which had been suggested by the practical working of the measure. Further amendments in this latter Ordinance having again been suggested by the Secretary of State in his Despatch No. 77, of the 7th April last year, the Ordinance No. 3 of 1865 was introduced repealing No. 2, and embodying these amendments and the other provisions of the repealed measure.

58. Ordinance No. 4 of 1865 provides for the better regulation of the Loan Board. This institution was originally established for the purpose of laying out in safe investment monies which were paid in to the old Supreme Court by suitors, and which gradually formed into a fund, as also other monies which belonged to Intestate Estates and the Orphan Chamber of the Dutch Government. In 1833, under the charter of justice granted to this Island, the Supreme Court ceased to possess original civil jurisdiction, and was invested only with appellate powers, so that the supervision it exercised over the Loan Board became but nominal, and the judges from time to time objected to affix their signatures to the accounts and documents of the board, the accuracy of which they did not personally know, and had no adequate means of ascertaining. The accounts presented besides many small items unclaimed for a series of years, and not likely ever to be claimed. This Ordnance re-modelled the constitution of the board, which now consists of commissioners appointed by the Governor, who are the trustees of the funds belonging to it, and authorized the appropriation by Government for purposes connected with the administration of justice of all monies unclaimed for more than one-third of a century and of monies unclaimed for more than ten years but less than the third part of a century; the general revenue being in the latter case liable for the payment of such claims, with the interest due on them, if they were established to the satisfaction of a competent court of justice. In pursuance of this measure was enacted the Ordinance No. 21 of 1865, which provided for the appropriation of a portion of these unclaimed balances, viz., 15,000*l.* for the purposes specified; 20,627*l.* still remain to be appropriated in like manner.

59. Ordinance No. 5 of 1865, relating to the fraudulent marking of merchandise, was enacted in conformity with the instructions of the Secretary of State. Its provisions are substantially the same as those of the Imperial Act 25 and 26 Vict. cap. 88, with the exception of certain modifications of a local character.

60. Ordnance No. 6 lays down the duties of masters' attendant, and provides for the better preservation of the ports of the Island, and for the better regulation of shipping therein.

61. Ordinance No. 7 makes the age of 21 years the legal age of majority in this Colony. Under the Dutch law, 25 is the legal age, whilst the Mahomedans and Hindoos have each their respective terms. It was deemed convenient to establish an age applicable to all.

62. Ordinance No. 8 of 1865, amending the Ordinance No. 13 of 1863, entitled "An "Ordinance to amend in certain respects the law of marriages, and to provide for the "due registration thereof," was introduced in consequence of certain suggestions made by the Secretary of State in his Despatch No. 236, of the 20th December 1864.

63. Ordinance No. 9 makes certain amendments in the Stamp Ordinance of 1861.

64. Ordinance No. 10 relating to the Ceylon railway repeals the Ordinance of 1864, providing regulations for the management of the railway. The main provisions of the repealed Ordinance are embodied in this Ordinance, with certain modifications suggested by the Director General, and Ordinance No. 19 provides for the appropriation of 18,758*l.* 12*s.* 4*d.*, received from the late Ceylon Railway Company to certain railway purposes.

65. Ordinance No. 11 consolidates and amends the law relating to servants, labourers, and journeyman artificers under contracts for hire and service; a measure the necessity for which had been much felt, and was strongly urged on the Government by the Planters' Association.

66. No. 12 established tolls on the road leading from Polwatte to Ackuressa.

67. Ordinance No. 13 amends the Branch Roads Grants-in-aid Ordinances of 1857 and 1858. These latter ordinances made provision for the construction of branch roads by grants-in-aid from Government equal to a moiety of the estimated cost of construction, the other moiety being contributed by the proprietors of the estates in the districts interested in the construction of such roads. No. 13 provides for like contributions and assessment for the completion of the road in the event of the original estimates proving insufficient, as also for their upkeep and repair.

68. Ordinance No. 14 relates to the registration and licensing of carts, boats, and coaches used for the conveyance of goods and passengers, and declares the rights and

liabilities of the owners thereof. It was introduced in consequence of representations made by the Planters' Association and others of the loss and inconvenience to the public arising from the irregularity in the delivery of goods entrusted to cart-men.

69. No. 15 makes provision for the supplementary contingent charges of the year 1865.

70. No. 16 provides for the establishment and regulation of a police force in the Island. A committee was appointed in 1864 to inquire into the state of the police force, and it was shown by their report that the department was in a very inefficent state, and that it was necessary to adopt a new system of management to remedy the defects pointed out. This Ordinance was introduced to effect this object. It consolidates all the former laws on the subject, and makes certain amendments with a view to their improvement.

71. Ordinance No. 17 establishes municipal councils in Colombo and Kandy, the principal towns in the Island, and gives power to the Government, on the application of a reasonable number of the inhabitants of any town, or without such application, if to the Government it appeared expedient to do so, to create municipalities in any other town. An application for the creation of a municipality in Galle has been received from the inhabitants of that town, and it has been decided to introduce the measure there from the commencement of next year. In Colombo and Kandy the institution appears to be working satisfactorily.

72. Ordinance No. 18 of 1865 amends in certain respects the administration of justice, and No. 28 gives effect to certain rules relating to proceedings of the Supreme Court in its criminal jurisdiction.

73. No. 20 provides against the removal of stones and other substances from certain parts of the sea shore; a measure which it was necessary to enact for the protection of public roads, which were much injured by a practice prevailing in some parts of the Island, and especially in the Southern Province, of removing coral and other substances from the sea shore in the neighbourhood of high roads.

74. No. 22 was passed with a view to establish the validity of a lease of a portion of the parsonage land at Nuwara Eliya.

75. Ordnance No. 23 provides for the apprehension of pioneer deserters, and for the better protection of property entrusted to them. It was brought forward in consequence of representations made by the Civil Engineer and Commissioner of Roads of the serious loss to which the Government was subjected, owing to the frequent desertions of the pioneers on his establishment. But it was disallowed by Her Majesty's Government, owing to the provision by which corporal punishment was made part of the sentence of an offending pioneer. Under instructions received from the Secretary of State a new Bill will be introduced this year without this provision.

76. No. 24 authorizes the shooting of cattle trespassing on the line of railway. The necessity for this measure was strongly urged by the Director General of the railway, who represented the impossibility of preventing such trespass without resorting to the measures anthorized by this Ordinance.

77. No. 25 provides for the contingent charges of the year 1866.

78. No. 26 relates to the establishment of a Wharf and Warehouse Company. As the great increase in the trade of Colombo rendered it difficult for the customs officers to carry on the duties of wharfingers and warehousemen, which had heretofore been performed by them, it was considered desirable to transfer these duties to a private company, with which object this Ordinance was enacted.

79. No. 27 amends and consolidates the laws relating to the post office, and to the rates of postage. The amendment was necessary, in order to carry out certain instructions received from the Secretary of State regarding the transmission by post of patterns and samples of merchandise, and the compulsory registration of letters containing coin; and advantage was taken of the occasion to consolidate the various enactments bearing on the subject.

80. No. 29 amends the Ordinance No. 4 of 1840, which imposed a tax on paddy and dry grain. It was enacted with a view to the removal of doubts as to the liability of certain articles of produce to taxation under the Ordinance of 1840.

Public Health.

81. The enclosed report from the Principal Civil Medical Officer notices the principal diseases that prevailed in Ceylon in 1865. The latter half of this year, Dr. Charsley states, was characterized by its general unhealthiness and prevalence of fevers and bowel complaints.

82. Cholera, which visits this Colony irregularly and apparently independently of any special known atmospheric influence, prevailed almost throughout the year, but excepting

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in Trincomalie during January and February, the disease could scarcely be said to be epidemic. The number of cases reported in 1865 was 2,727, and the number of deaths 1,585. In 1864 the number of cases was 3,578, and of deaths 2,157.

83. Small-pox hardly existed during the year, 373 being the total number throughout the Island. Of these 55 died, 38 of whom bore no previous marks of vaccination, 12 unsatisfactory marks, and only five deaths occurred with satisfactory marks. The number of cases in 1864 was 1,207, and the number of deaths 174.

84. The vaccination during the year 1865 was not quite so satisfactory as during the previous year. The returns show 68,289 vaccinated, as against 74,811 in 1864, giving a decrease of 6,522. If, however, the successful vaccinations are taken, the decrease is less, being 49,838 in 1865, against 53,851 in 1864, a difference of only 4,013. The Vaccination Ordinance has been in active operation in certain portions of the Island, viz., Colombo, Kandy, Galle, Gampolla, and Putlam.

85. The report of the Principal Civil Medical Officer contains also full information with reference to the state of the several gaols and hospitals in the Island.

Education.

86. I enclose a copy of the twenty-second report of the School Commission for the period from the 1st July 1864 to the 30th June 1865, which gives a full account of the Government schools up to the middle of last year.

87. The returns for 1865 show that there were 111 Government schools in 1865, the number in 1864 being 110, and there was an increase of 59 in the number of pupils in those schools, with an increase of 79 in the average daily attendance, the number of pupils being 5,232 in 1864, and 5,291 in 1865.

88. The number of aided schools in 1865 was the same as in the previous year, viz., 17; but there was an increase of 51 in the number of pupils in the list, with an increase of 49 in the average daily attendance.

89. The expenditure by the Government on account of education in 1865 amounted to 14,673*l.* 13*s.*, showing a decrease of 657*l.* 19*s.* 2¾*d.* as compared with that of 1864, which amounted to 15,331*l.* 12*s.* 3¾*d.*

90. The receipts in the shape of fees also show a decrease, as compared with the receipts in 1864, of 90*l.* 9*s.* 1*d.* The fees in 1865 amounted to 1,979*l.* 3*s.* 10½*d.*, whilst the amount in 1864 was 2,069*l.* 12*s.* 11½*d.*

91. The returns from the different missionary bodies show a decrease, both in the number of schools supported by them, and in the number of pupils attending them. The following is an abstract of these schools:—

	No. of Schools.	No. of Pupils.
Society for the Propagation of the Gospel -	69	1,782
Church Missionary Society - -	84	2,911
Wesleyan Missionary Society - -	106	3,694
Presbyterians - - - -	4	147
Baptist Missionary Society - -	22	609
American Missionary Society - -	55	1,763
Roman Catholic Society - - -	79	3,840
Total - - - -	419	14,746

92. The numbers in 1864 were 511 schools and 17,434 pupils.

93. There was a decrease in the number of private schools, which in 1865 was 252, whilst the number in 1864 was 268; but the attendance in those schools was larger last year, viz., 5,976, whilst in 1864 the number was 5,677.

94. Prefixed to the Blue Book returns will be found a table, giving a statistical view of the progress of this Colony for the years 1821 to 1865 inclusive, and an abstract of the principal statistical results for the years 1864 and 1865, prepared in the form suggested by the International Statistical Congress at the meeting held in London in 1860.

I have, &c.

(Signed) HERCULES G. R. ROBINSON.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure 1 in No. 23.

DECENNIAL RETURN of EXPORTS of Coffee, Cinnamon, Cocoa-nut Oil, and Coir, the Produce of the Colony.

Years.	COFFEE.			CINNAMON.			COCOA-NUT OIL.			COIR.			Total Amount of Customs Revenue from the foregoing Exports.
	Quantity.	Value.	Amount of Export duty received.	Quantity.	Value.	Amount of Export duty received.	Quantity.	Value.	Amount of Export duty received.	Quantity.	Value.	Amount of Export duty received.	
	cwts.	£	£	lbs.	£	£	gallons.	£	£	cwts.	£	£	£
1856	440,819	981,723	—	377,547	45,370	—	1,046,826	101,591	—	29,564	19,028	—	—
1857	602,266	1,496,646	—	887,959	52,574	—	1,679,258	212,184	—	42,256	29,617	—	—
1858	544,507	1,337,122	27,226	750,744	37,537	751	777,162	77,716	1,949	40,420	32,419	511	30,437
1859	589,779	1,467,497	29,490	879,361	43,972	880	1,118,638	111,864	2,985	38,086	25,945	447	33,802
1860	620,132	1,574,033	31,007	675,156	33,758	675	1,549,089	154,909	3,890	36,616	24,864	458	36,030
1861	648,026	1,636,733	32,402	845,218	42,261	845	1,040,428	104,043	2,613	43,168	31,883	540	36,400
1862	605,178	1,545,284	30,259	875,475	43,774	876	1,429,531	142,953	3,591	46,595	37,648	583	35,309
1863	828,587	2,126,222	41,429	734,038	36,702	734	1,878,585	187,858	4,718	51,785	39,103	647	47,528
1864	671,164	1,744,793	33,559	776,675	38,833	775	2,249,402	224,948	5,649	36,313	27,386	454	40,437
1865	927,440	2,343,532	46,373	850,973	42,549	852	1,176,784	120,678	2,955	41,378	31,637	516	50,696
Total	6,477,898	16,273,585	271,745	8,153,146	417,330	6,388	13,945,203	1,438,744	28,350	406,181	299,530	4,156	310,639

Customs, Colombo, April 24, 1866. (Signed) J. B. STEPHEN, Principal Collector.

Enclosure 2 in No. 23.

TOTAL VALUE of IMPORTS and EXPORTS (including Specie and Bullion) from and to each Country in each of the Years 1863, 1864, and 1865.

Countries.	Imports.									Exports.								
	1863.			1864.			1865.			1863.			1864.			1865.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
United Kingdon	1,011,094	17	7	1,651,587	1	1	904,255	3	10	2,407,578	8	7	2,015,326	3	3	2,420,056	5	10
British possessions in India.	3,505,139	19	9	2,821,092	14	1	3,486,106	16	10	994,879	9	10	957,545	10	1	961,013	6	0
Mauritius	18,090	11	9	31,343	3	6	20,633	10	0	26,956	10	1	923	17	0	21,175	16	0
Aden	10	12	6	30	0	0	39	11	5	19	18	8	—			20	2	0
Hong Kong	10,677	9	7	8,710	19	4	6,064	0	7	2,533	12	9	194	7	0	3,708	10	0
Australia	552,785	11	2	629,843	13	5	330,841	8	8	19,176	7	7	52,060	9	6	37,048	17	0
Cape of Good Hope	1,892	19	0	348	9	0	103	10	0	—			—			348	9	6
Gibraltar	—			—			—			15,666	3	0	5,124	18	1	14,649	12	0
New Zealand	—			—			—			60	0	0	—			—		
St. Helena	—			—			5	0	0	—			—			—		
France	—			87	0	0	512	17	9	30,748	6	8	8,161	10	5	47,306	5	11
Suez	168,668	11	4	135,693	15	5	85,007	3	1	10,575	16	8	9,291	15	10	1,076	10	0
French possessions in India.	122,048	15	3	156,550	17	8	136,518	1	8	33,553	15	7	23,076	9	11	12,327	7	5
Maldive Islands	32,978	5	8	41,880	12	0	31,129	1	6	7,417	14	8	6,740	13	10	6,078	12	5
United States of America.	9,518	17	0	8,273	0	0	12,803	16	1	22,345	5	2	28,481	8	7	40,347	7	4
Dutch possessions in India.	—			—			—			1,924	3	6	5,341	12	0	—		
Buenos Ayres	—			2,813	0	0	4	9	3	—			—			—		
Madagascar	—			—			347	17	10	—			—			—		
Portuguese possessions in India.	—			—			—			2	0	6	—			—		
Pernambuco	—			—			—			13,796	13	1	—			—		
Macao	—			593	0	0	1,771	10	4	—			—			—		
Bolivia	—			4,800	0	0	6,035	5	11	—			—			—		
Peru	—			33,315	10	0	—			—			—			—		
Madeira	—			1	7	10	—			—			—			—		
	5,433,806	10	7	5,526,964	3	4	5,022,179	4	9	3,587,234	6	5	3,112,268	15	6	3,565,157	1	5

Customs, Colombo, April 25, 1866. (Signed) J. B. STEPHEN, Principal Collector.

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Enclosure 3 in No. 23.

NUMBER and TONNAGE of VESSELS entered inwards and cleared outwards from and to each Country, in each of the Years 1863, 1864, and 1865.

Countries.	Entered Inwards.						Cleared Outwards.					
	1863.		1864.		1865.		1863.		1864.		1865.	
	Vessels	Tons.	Vessels	Tons.	Vessels	Tons.	Vessels	Tons.	Vessels	Tons.	Vessels	Tons.
United Kingdom	116	62,742	105	50,500	97	57,898	139	62,930	128	59,339	128	64,944
British possessions in India.	2,804	330,233	2,636	322,923	2,845	378,726	2,850	347,134	2,852	372,356	2,926	391,318
Cape of Good Hope	18	6,100	5	1,658	11	4,691	—	—	—	—	1	303
Australia	42	28,032	43	24,411	34	17,573	19	10,871	25	10,928	21	12,058
Mauritius	12	2,765	8	3,027	8	4,237	13	2,867	1	82	7	3,004
Hong Kong (China)	35	36,253	38	40,583	40	38,521	38	39,264	36	38,093	38	40,192
Aden	7	2,868	7	4,022	5	2,560	—	—	—	—	1	270
New Zealand	6	4,733	—	—	—	—	—	—	—	—	—	—
Montevideo	1	275	—	—	—	—	—	—	—	—	—	—
Buenos Ayres	—	—	1	502	—	—	—	—	—	—	—	—
Suez	35	42,873	37	45,548	38	48,796	37	44,749	37	46,660	37	44,840
Gibraltar	—	—	—	—	—	—	—	—	—	—	1	280
Brazil	—	—	—	—	3	975	—	—	—	—	—	—
Cape de Verde Islands	—	—	—	—	2	910	—	—	—	—	—	—
St. Helena	—	—	—	—	1	445	—	—	—	—	—	—
Madagascar	—	—	—	—	1	500	—	—	—	—	—	—
France	1	298	—	—	—	—	4	1,462	1	514	3	1,207
Mozambique	1	430	—	—	—	—	—	—	—	—	—	—
Belgium	1	520	—	—	—	—	—	—	—	—	—	—
French possessions in India.	169	13,728	192	16,901	150	12,384	166	14,304	129	10,415	120	10,293
Arabia	—	—	—	—	—	—	2	769	2	481	—	—
Maldive Islands	44	4,600	52	5,755	49	5,029	39	4,534	42	4,524	40	3,393
United States of America	1	953	5	3,394	3	3,062	2	1,021	2	721	1	426
Batavia, Dutch possessions in India.	—	—	—	—	—	—	1	1,005	5	2,949	1	1,030
Macao, Portuguese possessions in India.	—	—	1	260	1	260	—	—	—	—	1	260
Bourbon	—	—	1	506	—	—	—	—	—	—	—	—
Madeira	—	—	1	1,027	—	—	—	—	—	—	—	—
Bolivia	—	—	1	341	1	455	—	—	—	—	—	—
Johana in Africa	—	—	1	344	—	—	—	—	—	—	—	—
Peru	—	—	3	1,631	—	—	—	—	—	—	—	—
Total	3,293	537,404	3,137	523,333	3,289	577,022	3,310	530,910	3,260	547,062	3,326	573,818

Custom House, Colombo, April 25, 1866. (Signed) J. B. STEPHEN, Principal Collector.

Enclosure 4 in No. 23.

STATEMENT showing the PROFIT or LOSS on WORKS undertaken as remunerative.

—	Expenditure.	Receipts.	Profit.	Loss.
	£	£		£
Electric Telegraph, as per accompanying detailed statement No. 1	69,071	42,424	—	26,647
Steamer "Pearl," " " " " 2	82,820	38,163	—	44,657
Survey Department " " " " 3	205,431	57,293	—	148,138
Irrigation " " " " 4	50,495	30,245	—	20,250
£	407,817	168,125	—	239,692

Audit Office, Colombo, March 28, 1866. (Signed) R. CALLANDER, Auditor-General.

Enclosure 5 in No. 23.

SIR, Principal Civil Medical Officer's Office, Colombo, September 4, 1866.

I HAVE the honour to transmit my usual series of statistical returns connected with the Civil Medical Department for the year 1865, in continuation of those which have been drawn up since 1862.

Hospitals. These returns show the exact number of cases which have been admitted and treated in all the civil hospitals of the Island maintained by Government, the nature of the diseases, and result of each case.

As I originally drew up these tables partly from a financial point of view, I have continued to attach to table A. the actual cost of each hospital, separating it under the different heads of diet, servants,

equipment, contingencies, and salary of medical officer, and the summary at the end of the table condenses the details of each province into one line, with a total at the bottom, showing the whole number treated, viz., 9,374, at a cost of 14,014*l.* 3*s.* 10 *d.*, is at the rate of 1*l.* 9*s.* 10¾*d.* per head, including every item of expenditure.

I have also attached a comparative table for the four years for which these statistics have been constructed, which shows that the number of cases treated was lowest in 1863, viz., 8,468, and highest in 1864, viz., 9,896, presenting an average for the four years of 9,065, at an average cost of £15 2 per head for diet alone, and 1*l.* 7*s.* 4*d.* per head, including all items of expenditure.

As I returned to the Island only during the latter half of the year 1865, I am unable to give a detail of the variations of the public health during the whole period of the year, but I am able to state that the latter half was characterized by its general unhealthiness and prevalence of fevers and bowel complaints, the two scourges of the native constitution.

Diseases.

Fevers.

The cases of fevers, which among the native population chiefly assumes an intermittent type, form as nearly as possible one-fourth of the total number treated, while the mortality has been about 3 per cent.

Lungs, liver, and spleen.

Diseases of the lungs, liver, and spleen are not very common causes of admission into hospital. The last is frequently a complication of fever, but seldom comes under treatment as a disease, "sui generis," among natives.

The mortality of diseases of the lungs is high, being nearly 18 per cent., and of these the greater portion is consumption admitted into the large hospitals of Colombo and Kandy.

Bowels.

Next to fevers, diseases of the bowels, viz., diarrhœa, acute and chronic dysentery, exclusive of cholera, form the largest source of admission into the public hospitals, and the mortality is nearly 40 per cent. of the number treated. The victims of this form of disease are chiefly Malabars from the coast of India, and the Western and Central Provinces in which the largest Government civil hospitals are situated, show the greatest number. A large majority of cases are admitted in a hopeless condition, and it has been found necessary to provide special wards for their reception in consequence of the offensive nature of their complaint and their naturally uncleanly habits.

Venereal affections.

The most important head is venereal affections, the number of which form a fifteenth of the total number treated, and as is to be expected, they are met with chiefly in the large towns of Colombo and Kandy. The mortality is about 3 per cent. in hospital, but there is no doubt that hundreds of the native population either die early in life from its effects or are rendered helpless and unfit to support themselves and families by labour. Primary affections in females seldom enter the hospital, and males seek relief only when the disease in a secondary form is beginning to appear upon their bodies.

Abscesses and ulcers.

Simple abscesses and ulcers are frequently causes of admission, but their mortality is insignificant, and there are always in Colombo and Kandy a large number of wounds and injuries, the result chiefly of machinery.

The total mortality throughout the year in the civil hospitals, exclusive of gaols, has been 1,353 out of 9,374 treated, or 14·43 per cent.

Gaols.

The gaols bear a favourable comparison with the Government civil hospitals in their rate of mortality, which may be attributed, first, to the regular, sufficient, and good diet of the prisoners, and secondly, to early treatment from the commencement of attack.

The total number of sick treated in all the gaol hospitals has been 2,837, and the deaths 99, or about 3·4 per cent.

The chief source of mortality has been diseases of the bowels, which form 2 per cent. of the total number of admissions and 6·6 per cent. of that particular class of disease.

The highest mortality with one exception was in the Wellicadde gaol of Colombo, where it amounted to exactly 10 per cent. of the number treated.

In the Galle gaol this mortality was rather exceeded, but of the total number of 23 deaths in that gaol, 15 were from epidemic cholera, which must be considered exceptional.

In the large gaol of Kandy the deaths were only 7 in 514 cases treated, or less than 6 per cent.

The mortality in proportion to the number treated has always been higher in the Wellicadde than in any of the other gaols in Ceylon.

In Kandy, where the building is ill constructed for a gaol, the ventilation imperfect in the highest degree, the gaol frequently much overcrowded, and its sanitary condition unsatisfactory and incapable of amendment from the nature of its construction, the health of the prisoners is generally good and its mortality small, having been this year 7 in 541 treated, equal to 1·1 per cent.

In the Hultsdorp gaol the number of admissions into hospitals exceeds that of any other gaol, but in this gaol it is to be observed that as many as 132 out of a total of 577 admissions are from ulcers or wounds and injuries.

This is to be explained by the class of prisoners confined in this gaol, all the short sentences from the police court, petty thieves in low condition, and mostly suffering from sores when first committed. The wounds and injuries, of which there are no less than 82, are generally trivial injuries received while cutting stones, and occasionally there are a few cases of burns from lime at the Government limekiln. The total mortality has been 15 in 595 treated, or 2·5 per cent.

The insalubrity of the Wellecadde gaol is chiefly owing to local causes, it being erected on the summit of a hill with large tracts of paddy lands on two sides of it. The miasm arising from decomposing vegetation, rises up the hill during the north-east monsoon, and eventually settles within the gaol walls, so that the prisoners sleep in a malarious atmosphere during at least six months of the year, and it is during these six months, viz., from December to May, that the greatest amount of sickness prevails, and consequent mortality. The class of prisoners committed to this gaol are men sentenced to long imprisonment and subject to mental depression. Many of them are aged, and either succumb in the early part of their confinement to attacks of the bowels or linger on for a year or two to sink before their whole sentence has expired.

Pioneer hospitals.

The pioneer hospitals are temporary buildings erected on the spot, where divisions of pioneer labourers are located, and deserted as the divisions are moved.

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They are attended by a class of native medical men who have for the most part received their education under Dr. Green of Battacotta, and are well grounded in the treatment of the ordinary complaints to which natives are liable. Being Tamils themselves they gain the confidence of the pioneers, who speak the same language, and the system is found to work satisfactorily. These small field hospitals are of scarcely sufficient importance to require a higher class of medical officers, but where a pioneer hospital becomes stationary, as at Kaduganawa, and is resorted to by several divisions concentrated in the neighbourhood, a superior officer is attached to it.

Cholera.

The visitations of this scourge are irregular and apparently independent of any special known atmospheric influences. In 1863 only 19 cases were reported, while in 1864 there were 3,578, and in 1865 2,727.

During 1865 the cases continued to occur more or less in every month of the year, but excepting in Trincomalie during January and February the disease could scarcely be said to be epidemic. When it is prevalent in the coast of India it is certain to find its way into this country through the medium of the immigrant coolies, and it will be seen by that 936 cases, or more than a third of the whole number, are reported from Manaar, the spot of arrival of coolies from the coast. By them the disease is conveyed along the great central road, and eventually is carried into Matalé and Kandy, the localities in these towns in which the least attention is paid to sanitary conditions becoming invariably the focus of the disease. It is difficult to say how it arises in Colombo, but the unhealthy condition of the pettah, its filthy drains and cesspools, and the enormous amount of surface impurities render it only astonishing that when once cholera commences it ever ceases before it has decimated the whole population. Its haunts in the pettah of Colombo are well known by those officers whose duties have brought them in contact with the disease, and during its prevalence its invariable attraction to certain neighbourhoods is a sufficient proof of the influence of local causes for the spreading, if not the actual propagation of the disease.

It is to be hoped that the municipal council will exercise their power to ameliorate the present sanatory condition of the poor native class of inhabitants, and, by a proper system of drainage, prevent the accummulation of filth which now forms a focus of disease.

Small pox.

Small pox has hardly existed during the year, 373 cases being the total number throughout the Island. Of these, 55 died, 38 of whom bore no previous marks of vaccination, 12 unsatisfactory marks, and only 5 deaths occurred with satisfactory marks.

Vaccination.

The vaccination during the year 1865 has not been quite so satisfactory as during the previous year. 68,289 were vaccinated, as against 74,811 in 1864, a decrease of 6,522. If, however, the successful vaccinations are taken, the decrease is less, being 49,838 in 1865, against 53,851 in 1864, a difference of only 4,013. On looking into the details of each year I find that this decrease is most marked in the Northern Province, which shows only 8,508 successfully vaccinated in 1865, against 12,608 in 1864, or a difference of 4,100, which is more than equal to the total decrease of the year.

I regret to be obliged to state that this falling off in the Northern Province is to be attributed in a large degree to the extreme inefficiency of its superintendence by the superintending civil medical officer of the Province.

When I returned to Ceylon I found that he had been absent for eight weeks during the early part of the year from ill health, which compelled him to give the duties up entirely in the following September, and during his absence this important duty was much neglected. The native vaccinators were left without supervision, and their work was most inefficiently performed, a condition of things which I regret to remark has continued more or less up to the present moment, and will continue to exist until I am able to place an active civil medical officer at the head of the department in Jaffna. The military have in a very obliging manner done their best to aid me in the difficulties in which the weak state of the department has placed me, but it must always be remembered that a military officer is unable to leave his station, and that active personal superintendence over the whole district which a civilian is able to exercise cannot be expected from a military officer.

I am bound also to state that vaccination does not receive that active support from the civil authorities of the Northern Province, which would spring from a complete belief in the protection it affords the human race from small pox.

Although our small pox returns annually show in a most satisfactory form the prophylactic influence of vaccination, I am aware that in a long past correspondence an attempt was made to throw a doubt on this conclusion, which has now come to be considered an established fact throughout the whole of Europe. Other circumstances connected with vaccination, such as the propagation of disease through its means, have lately engaged the attention of the profession, but its prophylactic powers as a protection against small pox have remained undisputed.

The Vaccination Act has been in active operation in certain portions of the Island, and I attach a table, showing the special stations in which it has been put in force, and the date of the notice in the Gazette.

Stations at which the Vaccination Ordinance has been in force.

Colombo - -	Goverment Gazette,	May 28, 1864.
Kandy - -	ditto	September 24, 1864.
Galle - -	ditto	April 8, 1865.
Gampola - -	ditto	May 27, 1865.
Putlam - -	ditto	June 24, 1865.

In many instances it has led to a decided increase in the numbers successfully vaccinated, and of these I may mention particularly the Central and the Southern Provinces.

I have requested the Superintendent of Vaccination for the Western Province to draw up a special report on the subject, to be attached to my return for the current year.

In conclusion, the same may be said of the vaccination as of many other of the small special services of the Government, which have been carried on for many years upon principles which were laid down for it a quarter of a century ago, and have continued to be acted upon ever since.

The several reforms and improvements which have of late been introduced into, and are still being effected in different branches of the service, seem to have fallen short of this particular one, but from the difficulty now daily experienced in obtaining the services of trustworthy natives for vaccination appointments when they become vacant, proves how necessary it will shortly become to make an inquiry into the subject, with the view of improving the position of native vaccinators.

I have, &c.,

The Hon. the Colonial Secretary. (Signed) W. P. CHARSLEY, M.D.,
Principal Civil Medical Officer.

Enclosure 6 in No. 23.

CENTRAL SCHOOL COMMISSION.—REPORT.

THE Central School Commission have the honour to submit to the Legislative Council their Report for the past year (July 1, 1864—June 30, 1865).

2. On the 31st December 1864 there were 108 Government schools in operation, which had on their rolls at that date 5,232 pupils, with an average attendance, during the year, of 4,062. This shows a decrease of 1 school and of 516 pupils as compared with the year 1863. Statistics of education.

3. The per-centage of scholars who, at the close of the year 1864, had attended the same Government school for periods varying from less than one year to more than five years, is as follows:— Period of attendance.

Less than one year.	One year and less than two years.	Two years and less than three years.	Three years and less than four years.	Four years and less than five years.	Five years and upwards.
38·82	22·82	15·23	9·04	7·05	7·03

4. Per-centage of children of the different ages from "under five" to "over fifteen" in the different classes of schools. Age of pupils.

Schools.	Under five.	Between five and six.	Between six and seven.	Between seven and eight.	Between eight and nine.	Between nine and ten.	Between ten and eleven.	Between eleven and twelve.	Between twelve and thirteen.	Between thirteen and fourteen.	Between fourteen and fifteen.	Over fifteen.
Colombo Academy - -	—	—	—	1·70	·68	3·40	4·76	8·50	12·92	14·62	13·26	40·13
Superior schools - -	—	—	—	·55	3·84	3·29	6·59	6·59	11·53	8·79	16·48	42·30
English schools - -	—	1·53	2·29	5·19	7·95	7·95	12·84	10·85	13·15	12·23	9·95	16·05
Mixed schools - -	1·01	2·67	4·05	6·00	5·78	8·10	9·33	9·62	10·85	9·91	8·82	23·80
Vernacular schools -	·26	3·22	7·53	11·74	15·90	14·55	12·47	11·07	9·82	6·44	3·53	3·43
Superior girls' schools -	1·74	3·84	9·44	8·74	10·14	12·58	11·51	16·08	11·18	9·79	2·76	2·09
Mixed girls' schools -	5·35	4·93	12·34	14·40	14·40	20·16	13·99	4·93	6·99	1·64	·82	—
Vernacular girls' schools	2·24	8·98	13·85	12·73	17·22	15·73	14·23	7·86	3·37	2·24	·37	1·12
Total - -	·82	2·98	5·92	8·46	10·64	11·22	11·16	10·18	10·36	8·37	6·40	13·45

5. The expenditure on account of education during the year 1864 amounted to 15,331*l.* 12*s.* 3¾*d.*, showing an increase of 811*l.* 8*s.* 8¾*d.* as compared with 1863, when the expenditure was 14,520*l.* 3*s.* 7*d.* Excess of expenditure in 1864, as compared with 1863.

6. The following table will show the amount voted, and the amount expended, on account of education during each of the last five years:— Expenditure. 1860–1864.

Years.	Voted. £	s.	d.	Expended. £	s.	d.
1860 - - - -	14,700	18	5	13,365	2	4¼
1861 - - - -	16,475	6	8	14,306	12	2½
1862 - - - -	16,674	6	3	14,099	7	6¾
1863 - - - -	15,306	8	0	14,520	3	7
1864 - - - -	16,298	18	3	15,331	12	3¾

7. The sum of 17,389*l.* 3*s.* 9*d.* was voted for the current year, and the educational estimate for 1866 amounts to 17,280*l.* 2*s.* 8*d.* Estimate for 1865.

8. The amount realized by school fees in 1864 was 2,069*l.* 12*s.* 11½*d.*, to which must be added 69*l.* 1*s.* 9¼*d.*, being receipts on account of stationery, showing a decrease in the receipts from schools in 1864, as compared with 1863, of 184*l.* 19*s.* 6*d.*, and as compared with 1862, of 156*l.* 3*s.* 3¾*d.* School fees.

9. The amount of grants made to private and other schools during the year 1864 is 803*l.* Grants in aid.

10. Since the date of the last report the following schools have been opened:—a boys' mixed school at Dambool; a boys vernacular school at Wewitte; a boys' vernacular school at Heenkende; a vernacular girls' school at Bandaragama. And the following schools have been closed:—Kornegalle girls' school; Rammutugalla vernacular school; Badulla Tamil school. The following schools remain tem- New schools.

CEYLON.

porarily closed, for want of efficient teachers:—the mixed school at Putlam; the mixed school at Calmone.

Mathematical prize.

11. There were no candidates for the mathematical prize in January last.

12. The Turnour prize for the current year was gained by Mr. F. Bevan.

Local examination.

13. The Examiner's report of the third local examination, held under the Government notification of the 26th November 1861, will be found in the Appendix. (Not printed.)

Colombo Academy, Lower school.

14. Mr. D. Gogerly, the head master of the Lower school of the Colombo Academy, having been compelled by ill-health to resign his office, the Secretary of State for the Colonies appointed as his successor Mr. G. Hawkins, a trained teacher from St. Mark's College, Chelsea, who had been engaged for several years in teaching in England, and received the highest testimonials from the gentlemen with whom he had been connected. Mr. Hawkins entered upon his duties on the 22nd of May.

Kandy Central school.

15. Mr. S. T. Taylor, head master of the Kandy Central school, having taken holy orders contrary to the expressed wish of the Commission, was called upon to resign his office, and Mr. J. Hill, a trained English teacher of considerable experience, and the holder of high testimonials as to his acquirements and general proficiency, was appointed by the Secretary of State as his successor. Mr. Hill entered upon his duties on the 11th of May.

Calcutta University.

16. The result of the last examination at Queen's College and the Colombo Academy, in connexion with the University of Calcutta, was as follows:—Mr. J. P. Obeyesekere passed, in the first division, the first examination in arts, and Messrs. H. Marshall and P. Ephraims, in the second division, the entrance examination of the University of Calcutta.

Galle girls' school.

17. Miss Lloyd, who had been appointed by the Secretary of State to the principalship of the Galle girls' school, having relieved Miss Grey in December last, the latter proceeded to Jaffna to enter upon her duties as principal of the Jaffna girls' school.

Colombo Industrial school.

18. The Rev. J. Thurstan having proceeded to England on leave of absence, the Rev. J. C. Mill has been appointed acting principal of the Colombo Industrial school. A statement of the receipts and expenditure of the school for the year ending 31st December 1864, will be found in the Appendix. (Not printed.)

19. The inspector's reports, with the accompanying tables, give every information as to the state of the Central, English, and mixed schools in all the Provinces.

20. The Commission has been deprived during the past year of the services of some of its most valuable members:—the Rev. G. Schrader, who resigned his seat at the Board on his appointment as Acting Colonial Chaplain of Galle; the Rev. R. Spence Hardy, who has left the Colony; C. A. Lorenz, Esq., whose resignation of his seat as an unofficial member of the Legislative Council involved his retirement from the Board, and the Rev. E. Miliani, whose connexion with the Board had not been of more than a few months' duration.

21. The thanks of the Commission are due to the sub-committees of Kandy, Galle, and other stations, and to several official and private superintendents, for their valuable aid in reference to the schools in which they have respectively interested themselves.

22. Financial and statistical returns, similar to those appended to the last report, will be found in the Appendices.

W. C. GIBSON, President.
J. BROOKE H. BAILEY, Secretary.

HONG KONG.

HONG KONG.

No. 24.

No. 24.

COPY of a DESPATCH from Governor Sir RICHARD G. MACDONNELL, C.B., to the Right Hon. the Earl of CARNARVON.

(No. 125.) Government House, Hong Kong,
MY LORD, September 15, 1866.

I HAVE the honour to transmit herewith the Blue Book of 1865 for this Colony.

I transmit at the same time an explanatory report which Mr. Mercer, the Colonial Secretary, left with me when quitting the Colony on leave of absence at the end of last May.

As that report states that Mr. Mercer then placed the Blue Book before me, I must explain that in reality it was not completed nor laid before me till the beginning of this month. I trust that I have adopted such measures as will prevent its completion being deferred to so late a period again.

Although the Blue Book contains much interesting matter, I refrain from adding any comments to those offered by Mr. Mercer, as I did not arrive in the Colony till March of the present year.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure in No. 24.

Colonial Secretary's Office, Hong Kong,
May 30, 1866.

Sir,

I have the honour to place before your Excellency the Blue Book of Hong Kong for the year 1865.

Mint.

2. During that period it will be seen that the Colony has steadily advanced, and among the prominent points to be noted is the construction of the Mint, and the arrival of the master and staff of that establishment from England. It was not, however, opened within the year, though it has since been so.

Gas.

3. On 1st January 1865, the city of Victoria was lighted with gas, an important mark in the progress of the place.

Education.

4. The Board of Education has been abolished, and Mr. Stewart has taken over, as was originally intended, the entire charge of the Government schools.

Civil Service Cadets.

5. Three new Civil Service cadets arrived towards the end of the year, and were at once set down to the study of the language. The first three that arrived in 1862 have completed their course, and have proved very useful officers.

Legislation.

6. Some important ordinances have been passed, of which may be specially named the Limited Liability or "the Companies Ordinance," and a series consolidating the Criminal Law, for which the Government is much indebted to Messrs. Ball and Alexander.

Sickliness of Summer.

7. I regret to say that during the summer the sickness and mortality were great, especially among the military, and so severe among these that it attracted the attention of the Home Parliament, and occasioned the appointment of a committee of inquiry. The season, however, was generally unhealthy along this part of the sea-board of China.

Deaths of Officers.

8. A vacancy was caused on the bench of the Supreme Court by the death of Chief Justice Adams, and two pensioners of Government, Messrs. Grandpré and Inglis, were also reported deceased.

Water Supply.

9. Arrangements were carried out for increasing the water supply, which, however, is still inadequate, and further provision must be made.

Piracy.

10. It must unfortunately be reported that piracy in the neighbourhood of the Colony has been as rife as ever, and I fear it must so continue until some pressure shall be brought to bear on the Imperial Government of China, by which their culpable apathy in this respect may be removed, and they be made to acknowledge and perform the duty that reasonably devolves upon them of keeping under control their own people on their own coasts and in their own territories.

11. As the last instalments of the indemnity have been recently paid to both the British and French Governments, this drain on the foreign customs' revenue ceases, and the Chinese Government should be invited to apply a portion of their funds thus released to the suppression of a crime which tells so disastrously against the lives and property, not of Chinese only, but of all who are engaged in carrying on the important commerce of the country.

Police.

12. In connexion with this subject I may refer to the police, which has ever been our great difficulty. I am of opinion that the experiment of Bombay recruiting (though quite called for as an experiment), has proved a failure, and that some other expedient must be devised for organizing an efficient force. In the Bombay men the vice of extortion was notorious and ineradicable, and with a native body (Chinese) I fear the same results. Europeans of course cannot stand the climate, especially with the grievous habit of intemperance to which they are almost invariably prone. At the same time I must state that Mr. May, whose experience and authority on this point are entitled to all weight, differs from me in opinion, and thinks the Bombay experiment not fairly tried, while he condemns the proposal to try once more a Chinese force. However I am aware that this matter engages your Excellency's attention, and I only allude to it here, as a review of the condition of Hong Kong would be incomplete without touching on the much discussed question of police efficiency.

Finance.

13. As to its financial position the Colony has no cause to feel depressed. It is true that the large surplus balance is being gradually diminished, but with the military contribution and the enormous mint expenditure this is not to be wondered at. With some curtailment (undesirable I admit), in the public works and in some minor directions, the revenue of Hong Kong should always meet the expenditure, after the two heavy items just mentioned shall no longer be a charge on it.

Hong Kong.

Arrear of Rates.

14. During the past year the collection of rates has fallen considerably into arrear, and a commission of inquiry was instituted, and a report made.

Official Reports.

15. I would call special attention to the annual reports of the following officers, as from them much information may be collected as to the position of the Colony:—

1. The Harbour Master's,
2. The Registrar General's,
3. The Colonial Surgeon's,
4. The Postmaster General's, and
5. The School Inspector's.

Effect on Hong Kong of proposed Railways in China.

12. It may not be out of place to conclude with a matter which will hereafter have intimate connexion with the well-being or otherwise of the Colony, and that is the proposed establishment of railways in China.

17. In the early part of the year I was applied to privately for my views on this subject, which were forwarded to Sir MacDonald Stephenson (the introducer of railways into India), who had visited this Colony for the purpose of informing himself on railway prospects in China. Later in the year I introduced a deputation of the merchants of the Colony to Sir Rutherford Alcock, Her Majesty's minister at Peking, when the project was discussed.

18. I do not see any immediate prospect of the scheme being carried out, but as the question is important in its bearings on the future of Hong Kong, and as it has engaged public attention during the year now past, I may be pardoned for taking this opportunity of putting forward my views upon it.

19. I think benefit instead of harm will result to the Colony by the introduction of railways into China, and in this way: the most central spot of Chinese commerce, *i.e.*, of foreign commerce with China, is Hankow and the valley of the Yangtze. Foreign vessels must come up from the south to reach these marts, and thus have a long coasting voyage say from Hong Kong to Shanghai, 800 miles, and nearly 600 miles from that port to Hankow. All the risk and expense and waste of time involved in such a voyage is saved if a railway be made from Hankow to the south of China, and it is evident that this line, being the most natural and the most feasible, will be the first or one of the first established.

20. The port in the south to which it would probably, from old association, be directed is Canton, and here the very same reason that would suggest a rail from Hankow to Canton would point to its continuation to the magnificent harbour of Hong Kong, only 90 miles distant.

21. Vessels would attain the same object in a smaller degree by getting their cargoes brought from Canton to Hong Kong, and thus saving an 80 miles tow to Whampoa, 12 miles from Canton (for they can get no nearer), as they achieve by the Hankow rail, which saves them the lengthy and hazardous voyage which I have just described.

22. There can be little doubt then that this is the course which railways in China will take, and that their establishment will result in making Hong Kong a greater commercial emporium than it now is, or than its fondest promoters ever conceived.

I have, &c.
(Signed) W. T. Mercer,
Colonial Secretary.

His Excellency Sir Richard Graves MacDonnell, C.B.,
&c. &c. &c.

LABUAN.

Labuan.

No. 25.

No. 25.

Copy of a DESPATCH from Governor Callaghan to the Right Hon. the Earl of Carnarvon.

(No. 23).

My Lord, Labuan, September 8, 1866.

I have the honour to transmit the Blue Book of Labuan for 1865.

The returns exhibit a noticeable increase in the revenue and trade of the Colony over the preceding year.

The value of the imports and exports amounted respectively to 104,190*l.* 4*s.* 6*d.* and 58,536*l.* 10*s.* 6*d.*, against 84,049*l.* 8*s.* 2*d.*, and 48,202*l.* 11*s.* 8*d.* in 1864.

The progress made at the coal mines was not so satisfactory as in the previous year, arising in a great measure from the difficulties connected with the supply of suitable labour to carry on the mining operations.

The yield of coal amounted to 11,830 tons, and the quantity shipped to 7,997 tons, both exhibiting a decrease on the year 1864.

However, efforts are being made by the China Steamship and Labuan Coal Company to improve the supply of labour, and there is every evidence on their part of a disposition to carry on the works vigorously, and on a more extensive scale than hitherto.

They contemplate making a railway from Coal Point to Victoria Harbour, a distance of about seven miles.

A survey has been made, and I am informed it has been ascertained that a line can be constructed at a comparatively small cost.

Towards the end of the year the company commenced to run a steamer between this and Singapore.

Two of their steamers have since commenced to run between Singapore and Amoy, calling at Labuan and Manilla en route.

It is to be hoped that the establishment of this line will improve the trade and prospects of this Colony, which has long suffered from the want of steam communication.

Indications of the existence of petroleum at a short distance from the coal mines attracted a good deal of attention. The company recently commenced boring in the locality in question, but the work has not yet sufficiently advanced to enable me to judge of the prospects of the undertaking.

I regret to say that there was a great deal of fever during the year, from which both Europeans and natives suffered.

I believe 1865 was, throughout the east, a most unhealthy year.

Some progress was made in the drainage of the large swamp near the town, but a great deal more work of this kind will have to be done before any decided inprovement can be looked for in the health of the Island.

The building of a Protestant church was commenced last year, and it has since been completed.

The principal public work undertaken by the Government was the erection of a new gaol, to which I have already referred in a former communication.

I am not aware that there is anything else in connexion with these returns calling for observation on my part.

I have, &c.
(Signed) T. F. CALLAGHAN,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

MEDITERRANEAN POSSESSIONS.

GIBRALTAR.

No. 26.

GIBRALTAR.

No. 26.

Extract from a DESPATCH from Lieut.-Gen. Sir R. AIREY, dated March 6, 1866.

I HAVE the honour to transmit herewith the Blue Book for 1865, the accuracy of which has been certified by the Colonial Secretary.

The actual revenue for the year was 32,094*l.*, and the current expenditure for ordinary works and administration was 30,162*l.*

The real expenditure amounted to 34,789*l.*, but only 33,809*l.* was actually paid, the remainder, 980*l.*, was carried over. Some of the bills for works and buildings not having been finished in time.

This real expenditure includes a sum of 3,619*l.* for alterations and rebuilding at the Convent, or Government House, and constructing a new tank, also special and extraordinary grant of 708*l.* sterling for the supply of medicines, for medical attendance on the poor, and funerals of paupers during the late epidemic of cholera, and the sum of 300*l.* for repairs to the Civil Hospital, out of the grant of 1,000*l.* authorized for that service.

The current excess of revenue over expenditure for all ordinary works and administration being 1,932*l.*, I consider the state of the revenue satisfactory.

In pages 28 and 30 are seen the increase and decrease on various sources of revenue from the preceding year.

The principal items upon which an increase has been derived, are—

	£
Duty on spirits - - - - -	1,086
Do. wines - - - - -	640
Licences for retail wine and spirit stores - -	116
Rates and duties in the port department - -	278
Ground and house rents - - - -	182

whilst the decrease on items of revenue has been immaterial.

The slight alteration made by the Order in Council of 7th August 1865, on the duties on wines and spirits, and which only came into operation on 1st September last, has been productive of good results.

The revenue of 1865 was 32,094*l.*, and that of 1864 was 29,826*l.*, showing an increase of 2,268*l.* sterling.

The resident population, according to a census taken in June 1860, amounted to 15,462, and is exclusive of the military, the convicts, and aliens on temporary permits, varying from three days to a year. The number of the latter varies, but in the month of December last was 892.

The number of births among the resident population was 633; deaths 855; and marriages 194.

Under the head of Miscellaneous Returns are inserted the number of cases heard and disposed of in the various courts of law in Gibraltar.

The schools are ten in number, in which are educated 1,062 boys and 864 girls; besides these there are seven regimental schools, in which are instructed 232 boys and 235 girls.

MALTA.

No. 27.

MALTA.

No. 27.

COPY of a DESPATCH from the OFFICER Administering the GOVERNMENT to the Right Hon. EDWARD CARDWELL, M.P.

(No. 43.)

SIR, Palace, Valetta, May 30, 1866.

I HAVE the honour to transmit herewith the Blue Book of Malta for the year 1865.

I have, &c.
(Signed) WILLIAM RIDLEY,
Major-General,
Administering the Government, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

HELIGOLAND AND FALKLANDS.

HELIGOLAND.

No. 28.

HELIGOLAND.

No. 28.

COPY of a DESPATCH from Governor MAXSE to the Right Hon. the Earl of CARNARVON.

(Separate.)

MY LORD, Heligoland, August 6, 1866.

I HAVE the honour to forward herewith the Blue Book of this Colony for 1865.

In a commercial sense there is nothing of interest contained in the Heligoland Blue Book out of its own very limited sphere.

I am glad, however, to inform your Lordship that the Island is, thanks to the reforms introduced by the Constitution of 1864, progressing.

The Island debt, enormous for the circumstances of Heligoland, has been reduced considerably for the first time by a comparatively large sum, viz., 610*l.* 12*s.* 2*d.*, which, with such a moderate revenue, and the necessary heavy expenses incurred in 1865, in thoroughly refurnishing the Conversation House, and making a new and extensive bulwark against the sea on Sandy Island, I consider to be most satisfactory.

For the first time for years the Heligoland oyster-bank has been worked in virtue of an ordinance empowering a committee to work the same at the expense of the Colonial Government.

This branch of trade had, up to the 31st of December 1865, divided over 1,500*l.* amongst the fishermen of the Island, a most sensible and unexpected relief for the winter, and next season I expect that the oyster-fishery will, in addition, yield a satisfactory surplus to the Island treasury.

Taxation on personal property has been introduced on a light scale, and also a small tax on wines and spirits, which will later, I trust, prove most useful to the finances of the Island.

At present there has been some difficulty in collecting the taxes, as was indeed to be expected, taxation being a new institution.

Trusting that the contents of the Blue Book will meet with your approval.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) FITZ MAXSE, Lieut.-Colonel.

FALKLANDS.

No. 29.

FALKLANDS.

No. 29.

COPY of a DESPATCH from Governor MACKENZIE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 34.) Government House, Falkland Islands,

SIR, June 30, 1866.

I HAVE the honour to transmit herewith the Blue Book for the year 1865. The tabular statistics contained therein vary so slightly from the returns of the previous year, that it is unnecessary to dwell upon them in detail.

I have, &c.

The Right Hon. Edward Cardwell, M.P. &c. &c. &c. (Signed) J. G. MACKENZIE, Governor.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

WESTERN AUSTRALIA.

RETURN to an Address of the Honourable The House of Commons, dated 15 July 1867;—*for*,

"COPY or EXTRACTS of any CORRESPONDENCE between the Secretary of State for the Colonies and the Governor of *Western Australia*, upon the Subject of proposed Changes in the Constitution of the LEGISLATIVE COUNCIL of that COLONY."

Colonial Office, 14 August 1867.

C. B. ADDERLEY.

(*Mr. Chichester Fortescue.*)

Ordered, by The House of Commons, *to be Printed*, 15 *August* 1867.

SCHEDULE.

DESPATCHES FROM THE GOVERNOR.

No. in Series.	Number and Date.	Subject.	Page.
1	21 July - 1865 No. 125.	Transmitting copy of a Petition to the Governor praying for an Amendment of the Constitution of the Legislative Council.	3
2	22 Aug. - 1865 No. 147.	Transmitting the Report of the Committee to whom the above Petition was referred, with Remarks upon the Action taken in the matter.	4
3	19 Sept. - 1865 No. 163.	Encloses copy of a Petition in course of signature, with reference to an Amendment of the Constitution of the Council.	14
4	21 Dec. - 1865 No. 213.	Transmitting the original of the above Memorial, with Signatures.	15

DESPATCH FROM THE SECRETARY OF STATE.

5	9 July - 1867 No. 45.	Conveying the Assent of Her Majesty's Government to the proposed Changes.	16

APPENDIX.

1	Mr. Secretary Labouchere to Governor Kennedy.	14 April - 1856 No. 11.	Despatches referred to in the above Correspondence.	17
2	Governor Hampton to Mr. Secretary Cardwell.	22 Nov. - 1664 No. 113. (Extract.)		

COPY or EXTRACTS of any CORRESPONDENCE between the Secretary of State for the Colonies and the Governor of *Western Australia*, upon the Subject of proposed Changes in the Constitution of the LEGISLATIVE COUNCIL of that COLONY.

Despatches from the Governor.

— No. 1. —

(No. 125.)

No. 1.
Governor Hampton to Right Hon. E. Cardwell, M. P.
21 July 1865.

COPY of a DESPATCH from Governor *Hampton* to the Right Honourable *Edward Cardwell*, M.P.

Government House, Perth,
21 July 1865.

Sir,

I HAVE the honour to forward a copy of a Petition, presented on the 29th ultimo to the Governor and Legislative Council of this Colony, praying that a partly elective Council may be established here, in accordance with the provisions of the Act of the Imperial Parliament 13 & 14 Vict. c. 59.

2. As soon as the Petition was duly received in the Legislative Council, I took steps to refer it to a committee of four members, with instructions to inquire and report whether the same meets the requirements of the said statute, and in what respects, if any, it falls short thereof, and as to the class, condition, and occupation of the petitioners.

3. As part of the required information has to be obtained from the remote districts, I have adjourned the Council to the 27th instant; and, if necessary, will continue the adjournment until the report of the committee can be brought up.

4. Since the question was first raised, I have carefully abstained from any interference or expression of opinion in the matter, and have now left the official members of the Legislative Council wholly free to act as they may see fit with reference to the proposed change.

5. By the earliest opportunity I shall report the result of the deliberations of the Legislative Council on the prayer of the Petition; but, in the meantime, I deem it right to state, I have reason to believe that a large majority will vote against it.

I have, &c.
(signed) *J. S. Hampton*, Governor.

Enclosure in No. 1.

Encl. in No. 1.

To His Excellency John Stephen Hampton, Esq., Governor and Commander in Chief in and over the Colony of Western Australia and its Dependencies, and the Legislative Council of the said Colony.

The Petition of the undersigned, householders of the Colony of Western Australia,

Sheweth,

THAT your Petitioners are deeply interested in the progress of Western Australia.

That in the Act of the Imperial Parliament 13 & 14 Vict. c. 59, it is enacted, that upon the presentation of a petition signed by not less than one-third in number of the householders within the Colony of Western Australia, praying that a Legislative Council, according to the provisions of the said Act, be established within such Colony, and that provision

be made for charging upon the revenues of such Colony all such part of the expenses of the civil establishment thereof as may have been previously defrayed by Parliamentary grants, it should be lawful for the persons authorised and empowered to make, ordain, and establish laws and ordinances for the government of the said Colony, by any law or ordinance to be made for that purpose, subject to the restrictions and conditions to which laws or ordinances made by such persons are now subject, to establish a Legislative Council within such Colony, under certain regulations therein stated.

That according to the last account or return of the householders of the said Colony, taken and made on the 31st day of December 1859, the number of the householders within the said Colony consisted of 2,110, and no more.

That the undersigned Petitioners consist of 1,303 in number, and are all householders within the said Colony, and exceed one-third in number of the householders within the said Colony.

That your Petitioners are desirous that an ordinance may be passed for establishing in this Colony a Legislative Council, according to the provisions recited in the said Act of the Imperial Parliament of 13 & 14 Vict. c. 59, and that provision may be made for charging upon the revenues of the Colony all such part of the expenses of the civil establishment thereof as has been heretofore defrayed by Parliamentary grants.

And your Petitioners, as in duty bound, will ever pray, &c.

— No. 2.—

(No. 147.)

No. 2. Governor Hampton to Right Hon. E. Cardwell, M.P. 22 August 1865.

COPY of a DESPATCH from Governor *Hampton* to the Right Honourable *Edward Cardwell*, M. P.

Government House, Perth,
22 August 1865.

Sir,

In my Despatch, No. 125,* of the 21st ultimo, forwarding a copy of a petition addressed to the Governor and Legislative Council, praying that a partly elective Council may be established, I reported that the petition had been referred to a committee, and the Council adjourned.

*Page 3.

2. I now have the honour to transmit a copy of the report of the committee, and such a full description of the subsequent proceedings in the Legislative Council, regarding the petition, as to relieve me from making any extended remarks on the subject.

3. It appears from these documents that, when the Council unanimously decided that the petition is in accordance with the requirements of the Act of Parliament, a motion was made that the prayer of the petition should be complied with, and an amendment proposed, to the effect that the existing nominated Council should be continued, with an increase in the number of non-official members, and an alteration in the tenure of their seats.

4. The Legislative Council at present consists of 10 members, including the Governor, of whom five voted for the amendment, one against it, and two declined to vote. One non-official member is absent from the Colony, and of course I did not vote.

5. I enclose a copy of a protest against the above-mentioned decision of the Legislative Council, which I have received from Mr. Lionel Samson, the non-official member who, in moving that the prayer of the petition should be complied with, spoke in favour of the proposals subsequently brought forward in the amendment. The only remark I have to make on this protest is, that I do not see any reason to doubt the correctness of the Attorney General's opinion as to the meaning of the words " it shall be lawful."

6. With regard to the prayer of the petition, I have nothing to add to the opinion expressed in the 32nd paragraph of my Despatch, No. 113, dated 22nd November 1864,* in which I stated that the " form of government and legislation now in operation here appear to me to be peculiarly well adapted to the exceptional condition of this penal Colony, with a very limited revenue, and a widely-scattered small number of free inhabitants, amongst whom it would

* *Vide* Appendix, No. 2, page 17.

would be difficult to find the materials for constituting an elected legislature or a responsible government."

7. When the amendment, with reference to alterations in the present nominated Council, was moved, and before the debate thereon commenced, I explained to the members that similar propositions were submitted to the Secretary of State in the years 1848 and 1854, and I laid on the table Mr. Labouchere's Despatch, No. 11, dated 14th April 1856,* containing the last division on the subject, given under the impression that the Legislative Council, as then constituted, appeared to possess the confidence of the community, and declining to make any addition to the existing number of members, unless special circumstances should afterwards require it.

8. The petition for a partly elective Council would seem to vindicate that, whatever the state of public opinion may have been in the year 1856, the Legislative Council does not now possess the confidence of the community, and, viewed in connection with the amendment, furnishes tolerably strong evidence that the special circumstances referred to in Mr. Labouchere's Despatch have come into operation.

9. I am convinced that it will be impossible to arrest the progress of the movement under consideration, unless some concession is now made. I therefore recommend that the request contained in the amendment should be acceded to, provided no change is made in regard to the Governor having " an original vote in common with the other members, as also a casting vote if upon any question the votes be equally divided."

10. The proposed increase in the number of non-official members might place the Governor in the disagreeable position of being compelled to use his casting vote to pass any measure absolutely required for carrying on the administration of the Government; but, in my opinion, such a course would be more advantageous for the public service than making the Government powerless in the partly elective Council prayed for in the petition, and so unsuitable for the Colony at present.

11. It is likely that the necessity for using such a casting vote would be altogether obviated by invariably endeavouring, as I have, to convince the Council and the Colonists that there is no desire on the part of the Governor arbitrarily to resist any reasonable measure which would certainly be carried through an elected legislature.

12. At the conclusion of the debate two of the non-official members, Messrs. Hardy and Samson, stated that they would resign their seats provided you approve of the proposals submitted in the amendment, and Mr. Hamersley handed to me the unconditional resignation, of which I enclose a copy. The fourth non-official member has left the Colony for a few months, and I am not aware what course he will follow in the matter.

13. Pending your decision on the amendment, it appears to me that there is no necessity for taking any steps with reference to the appointment of Mr. Hamersley's successor, especially as, under ordinary circumstances, another meeting of the Legislative Council will not be required until June 1866, and more than a sufficient number of members remain to form a Council without Mr. Hamersley. I have informed him that I will forward his resignation to you, and I now recommend that it should be accepted.

14. I have reason to believe it is probable that I will be requested to forward to you by next month's mail, a memorial from all classes of Colonists in favour of the amendment.

I have, &c.
(signed) *J. S. Hampton,* Governor.

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* *Vide* Appendix, No. 1, page 17.

Enclosure 1, in No. 2.

Council Chamber, Perth, 15 August 1865.

Encl. 1, in No. 2.

WHEREAS, by a resolution of the Legislative Council, the petition of certain householders for an Elective Legislative Council, under the Act for the better government of the Australian Colonies, was referred to a Committee consisting of the Honourable the Commandant, the Honourable the Colonial Secretary, the Honourable the Attorney General, and the Honourable Lionel Samson, with instructions to inquire into the same, and report whether it meets the requirements of the said statute, and in what respect, if any, it fall short thereof, and as to the class, condition, and occupation of the petitioners. We have the honour to report that, in pursuance of such instructions, we have most carefully scrutinised the said petition, which purports to be signed by 1,303 free householders in the Colony, and having caused inquiry to be made in every instance where we were not satisfied that the name was that of a person duly qualified to sign the petition, we have felt it our duty to strike out 150 signatures, either as persons unknown, as convicts holding a ticket of leave, or persons not in actual occupation of a house, and paying rent for the same, leaving the number of duly qualified persons at 1,153.

An analysis of this latter number has given the following as the class and occupation of those who have signed the petition in question:—

Member of Legislative Council	1	Tradesmen	251
Magistrates	14	Publicans	32
Clergy	3	Clerks	27
Surgeons	4	Schoolmasters	4
Merchants	7	Pensioners	96
Commissariat Officers	2	Carters	15
Squatters	84	Labourers	144
Farmers	387	Females	24
Master Mariners	8		
Newspaper Proprietor	1		1,153
Storekeepers	49		

Of the foregoing number, 255 are men originally of the convict class, but now absorbed into the community, and employed in various occupations.

Deducting the number 255 from 1,153, the result shows that the petition has been signed by 898 householders in the Colony, who have always been free, and by 255 free householders originally of the convict class.

Among the more illiterate of those purporting to have signed the petition, are the names of many (amounting perhaps to 50 in all) whose marks are placed without special witnesses to such marks, or whose names have been attached in the handwriting of others; but we have no reason to believe there are any among the 1,153 persons to whom credit has been given as persons duly qualified to sign the petition, who have not either *bonâ fide* attached their names or marks, or authorised the persons collecting signatures to do so on their behalf.

Section 9 of the 13 & 14 Vict. c. 59, "The Australian Colonies Government Act," enacts that a Legislative Council in accordance with the prayer of the petition may be established upon the presentation of a petition signed by not less than one-third in number of the householders within the Colony, and it consequently became our duty in the consideration of the petition to ascertain the number of houses within the Colony.

No census has been taken since the 31st December 1859, when the population of the colony was 14,837, and the number of inhabited houses 2,110. Unless a fresh census is taken, it is impossible to furnish the exact number of houses at the present time; but we believe that all purposes will be met by taking the increase of population between 1859 and 1864, and adding to the number of houses in accordance with such increase.

Thus, on the 31st December 1864, the population was 19,471, and the number of houses calculated at the same ratio as in 1859 would be 2,769, one-third of which number would be 923.

Thus it appears there are 230 signatures in excess of the number actually required by the clause of the Act above adverted to.

The petition is worded respectfully, and embraces the several points alluded to in the 9th section of the Australian Colonies Act, and it becomes therefore our duty to report, for the information of your Honourable Council, that it meets the requirements of the said statute, and in no respect falls short thereof.

(signed) *John Bruce,*
Lieutenant Colonel Commanding the Troops.

Frederick P. Barlee,
Colonial Secretary.

George Frederick Stone,
Attorney General.

Lionel Samson.

(True copy.)
(signed) *G. E. Hampton,*
Clerk of the Council.

Enclosure 2, in No. 2.

Legislative Council—Friday, 18th August 1865. Encl. 2, in No. 2.

First Sitting.

Petition for an Amendment of the Constitution of the Council.

His Excellency the Governor states that the time having now arrived for considering the report of the Committee on a petition for an amendment of the constitution of the Council, he hopes that the discussion on such petition will be carried on with the temper and good feeling so necessary in dealing with such an important subject. He repeats his former statement as to the official members having been left wholly free and unbiassed to act in the matter as their convictions may lead them. If the Governor were to throw the weight of his influence into the scale in dealing with such a question, the result must materially be affected; he has, therefore, entirely refrained, up to the present time, from any expression of opinion.

The Officer commanding the Troops, in presenting the report of the Committee, states, as Chairman, that the action of the members of that Committee has been as free as if the Governor had in no way been connected with the question. There is an impression abroad that his Excellency would influence executive members, but no influence has been used in any direction.

His Excellency the Governor moves the following Resolution:—

> That this Council, having inquired into the matter of the petition for an Elective Legislative Council, under the "Act for the better Government of the Australian Colonies," with especial reference to the requirements in the 9th section of such Act, do find that the same is in conformity therewith.

The Colonial Secretary seconds the motion.

Resolution put, and carried unanimously.

His Excellency the Governor states that when the question was first agitated, a non-official member asked his opinion as to whether the words "it shall be lawful" in section 9 of the 13 & 14 Vict. c. 59, should be interpreted as imperative or permissive. He had, therefore, directed the Attorney General to prepare a report on the question, which would now be read.

The Attorney General read the following opinion:—

Having received the Governor's commands to furnish my opinion on the proper construction to be put upon that portion of the 9th section of the Imperial Statute, 13 & 14 Vict. c. 59, which enacts "it shall be lawful for the persons authorised and empowered to make, ordain, and establish laws and ordinances for the government of the said Colony," I have the honour to state, that the interpretation to be put on the words "it shall be lawful," when used in statutes and ordinances, would be that they are compulsory, unless the subject-matter shows that it must have been intended that the exercise of the power should be discretionary in the persons to whom the power is given. It has been more than once held by the judges in England, that the phrase "it shall be lawful," if the subject-matter of the statute evidences such an intention, gives a discretionary power. And in the instance now submitted, not only it does not appear that the Act was intended to be compulsory, but it appears from the subject-matter that it ought to be discretionary. Looking to the constitution of the legislative body who are to consider the matter, and the matter to be considered, and at the many questions of expense and expediency that may arise, the whole matter appears to be one in which the Imperial Legislature may well have intended to do what the language used expresses, viz., to leave the Legislative Council of Western Australia to exercise their discretion.

As the opinion of the law officer of the Crown may guide honourable members on the point, he will explain the grounds on which it is founded.

First, the constitution of the Council precludes any other meaning than that there is a discretion vested in the Council to alter its constitution.

The Act 10 Geo. 4, c. 22, provides that the Queen can authorise any three or more persons to make laws. That statute is revived by the Act under which the petition now before the Council is made. In section 10, the operation of the Act of George 4 is continued until writs shall be issued for a new election on the grant of a constitution. It was contemplated that the Council should remain intact, for the purpose of discussing the question. The Queen herself could not take away the discretionary powers existing in the Council as to passing any Bill, although Her Majesty can disallow such Bill. The Council is free even from the Imperial Parliament in dealing with questions, although the Imperial Parliament has an inherent power to pass laws affecting the Colonies. Parliament might repeal all our Colonial laws and enact fresh ones, but cannot coerce the action of members of Council in dealing with business brought before them. The Statute 13 & 14 Vict. c. 59, is purely an enabling and permissive statute. Without it, the Council would have no power to alter its constitution. If members will permit him, will read extracts from the cases of the Newport Bridge, 29 Law Journal, Magistrate's Cases, page 52; and the Bishop of Chichester,

29 Law Journal, Queen's Bench, page 23, in both of which the same form of words occurs (The honourable member explained the two cases, and the technical matter connected therewith.) In another part of the Act 13 & 14 Vict. c. 59, the same words occur. If the words "it shall be lawful" in section 9 are imperative, they must also be imperative in section 32.

His Excellency the Governor explains to the Council the various stages through which the petition has passed, and its present position under the rules of the House.

Mr. Samson gave notice that he would move at the next meeting of the Council, that the prayer of the petition for the establishment of a Legislative Council, under the Act of Parliament 13 & 14 Vict. c. 59, be complied with.

Adjourned to Friday, 18th August, at 2 p.m.

(signed) *G. E. Hampton,*
Clerk of the Council.

Enclosure 3, in No. 2.

Encl. 3, in No. 2.

Legislative Council, Friday, 18th August 1865.

SECOND SITTING.

ON resuming the consideration of the report of a Committee on a petition for an amendment of the constitution of the Legislative Council,—

Mr. *Samson* observes, that, in his opinion, the statement which had been made some time ago as to the Council, as at present constituted, being next to a farce, is quite true. The non-official members are altogether outweighed in numbers. He has no wish to impute motives to anyone, but must say that there might be a bias on the part of official members whose opinions could possibly be influenced. The people might certainly be better represented, because, practically, there is at present no representation at all. He was asked to present the petition, and, having done so, must, he supposed, "stick to it." Some one "free of the world" had been wanted to present it, and he had undertaken the duty. He does not consider, however, that in its present state the Colony is in a position to go the "whole hog," or full length, to which a compliance with the prayer of the petition will surely lead. He is not at all frightened at the officer commanding the troops or other members who differ with him, but will speak his mind freely on the subject. If we approve the alteration proposed we will get men—good men—who know well what is best for the interests of the Colony. As to the difficulty which has been raised with respect to the expense of pensioning the present office holders, he hopes that all the present official members will enjoy their pensions. If, under an alteration of the constitution, they are "kicked out," the Council will pension them. The Attorney General has said the Governor "may," which means "can," upset the petition.

His Excellency the Governor called the honourable member's attention to the fact, that the Attorney General, in stating his opinion as to the power being permissive, and not compulsory, had referred, not to the Governor individually, but to the Council as a body, of which the Governor is President.

Mr. Samson resumed.—Will travel over his ground again. The Attorney General has said that it is within the province of the Council to reject the prayer of the petition, and has read many legal cases out of legal books in support of his view. There is no doubt, under this opinion, that the Council can use its power and throw out the petition. We look upon ourselves, no doubt, as a very talented lot of men, but it is possible that there are those in the Houses of Lords and Commons who could "beat us hollow." He has, however, taken legal opinions himself on the point, which differ from that of the Attorney General. He does not agree in the view that the Colony is ripe for such a change as that contemplated in the petition. If the Governor could modify the present constitution of the Council so as to allow the admission of additional members to be elected by the people, or approved on the nomination of the people, the colonists would be satisfied. Has no doubt he will look small, but he has undertaken the charge of the petition and must do his duty and carry it on, although he feels it will fall to the ground. Wishes to see the experiment tried for the people's sake, but knows it will be a case of the frogs, the stork, and the log; for he feels that, though there are many men of education in the Colony who are well fitted to hold the proposed posts, they could not afford the time necessary for an attendance at a Council so constituted, and the representation would consequently fall into the hands of others not so well qualified. If the Governor or Secretary of State can remodel the Council so as to allow an increase in the number of non-official members, it will be a good thing for the Colony. For himself, he does not covet the seat he now holds. The people signing the petition are very respectable and deserving of consideration; but, while he does not altogether agree with them, he does not certainly feel called on to stand on his legs for 10 hours in support of the views of any class of people. He will therefore move that the prayer of the petition, for the establishment of a Legislative Council under the Act of Parliament 13 & 14 Vict. c. 59, be complied with.

The Colonial Secretary, feeling that it is due to the people that their petition should be duly considered, seconds the motion, reserving the right of remark hereafter.

Mr.

Mr. Hardey, in rising to move an amendment, requests permission to read a letter addressed to him by several influential colonists, who are of opinion that the change sought in the petition is of very doubtful expediency and unsuited to our circumstances. He is decidedly of opinion that we should seek the aid of the Secretary of State in the manner he will indicate, and disapproves of the course adopted by the petitioners at the present time. Three years hence he may wish for such a change, but the time has not yet come for it. The public do not want what is asked for, but responsible government. If responsible government were demanded at once, he would go with the petition. He is delighted with the speeches of his honourable friend opposite (Mr. Samson), who, having pledged himself to the duty of supporting the petition, has endeavoured to do it. Mr. Samson, was, however, in a fix, for he evidently thought with him (Mr. Hardey), and in speaking had said more in favour of the future amendment than for the petition. He moves—

> That, in the opinion of this Council, the constitution of the Legislative Council may be improved to meet the present requirements of this Colony, by an addition of two non-official members, and the term of office of all non-official members limited to three years instead of for life. And, further, that his Excellency the Governor be requested to recommend such a modification of the present Legislative Council for the favourable consideration of Her Majesty's Secretary of State.

A great number of people have signed the petition who do not know what they ask for. Those near town hear opinions on both sides of the question; but in the country, where the population is scattered, little is heard of the Government. A petition is shown to a man, who is asked to sign it because Mr. So and-so has done so, and he signs at once without knowing anything about the question involved. If he had taken about the letter he had just read, and told people it was signed by Messrs. Shenton, Manning, and others, he could have obtained more signatures than there are to the petition.

Mr. Samson objects to Mr. Hardey's assertions. What does he mean by saying that if he took about a blank piece of paper with a request upon it, that—that—the Governor's head should be cut off?

His Excellency the Governor hoped that no such petition would be circulated.

The Officer commanding the Troops will second Mr. Hardey's amendment, in the hope that it will meet the views of the people. There has been a difference of opinion as to the legality of accepting or rejecting the prayer of the petition; but, now that the Council is in possession of the Attorney General's opinion on the point, Members should be guided by the explanation of their law officer in discussing the question. But, setting aside the legal definition, common sense would tell us that the power was permissive. If the signatures to the petition were analysed it would be seen that the poorer element prevails. Had it been compulsory on the Council to accept the petition, look what might have been done if the persons carrying about such petition for signature had avoided the better classes and confined themselves to those who have not a stake of 50 *l.* in the Colony. Enough signatures could be obtained from such a class to comply with the terms of the Act of Parliament, and the change might be forced on by those who practically have no stake whatever in the Colony. It is in the power of the Council to reject the petition, but it is the duty of Honourable Members carefully to weigh and consider the question as to whether the Colony is sufficiently advanced for such a change. He will yield to no one in his respect for free institutions, which it has been the glory of England to plant in the remote and desert parts of the earth. The time has not, however, arrived for such a change in this Colony, and he cannot but point to the loss of time and interference with private business manifested, even in the existing Council, in the case of his honourable friend from Fremantle (Mr. Samson) who had been unable to attend on some days when the Committee of which he was a member would have met. If the elective element were increased how could the business be conducted? Fault has been found with the quickness with which the work is carried on by the existing Council, but it is not considered how much time and trouble the preparation of measures costs the Governor and the Executive. Under the form of government sought, the raw material would be brought in, and weeks and months would be consumed in carrying the work through the Council. Where are the men in the Colony who could spare the time required for such a long attendance? As Mr. Hardey has stated, his friend from Fremantle (Mr. Samson) has fully supported the amendment, the change proposed in which will meet all the requirements of the people. As Chairman of the Committee appointed to examine the petition, he has had intercourse with many gentlemen of position and property who will all be satisfied with what is provided in the amendment. Many of these gentlemen signed the petition because they wanted some change. If the Secretary of State sanctions the appointment of six new Members for a limited period, he is quite sure that the Governor, in making a selection, will consult the wishes of the people, and appoint those by whom they would wish to be represented. The time will no doubt come for an entire change in the form of government, and he will be glad when it shall arrive. Mr. Samson has said that the Council, as at present constituted, is a mere farce; if it is so, it is because the non-official Members do not manifest that interest which they should. If four Members equal to the late Marshall Waller Clifton were now in the Council, it could not have been called a farce. When the Secretary of State appointed a Council including four non-official Members, he must have thought the nominees would give their time and attention. Some of the Members seem to have no wish or inclination to enter into politics, but there

are plenty of men in the Colony who would. The Council must now consider whether or not it will hand over the property of the Colony to be dealt with we know not how. He feels assured that a large number of the colonists will be satisfied with the amendment, which he now seconds.

His Excellency the Governor observes that, at this point in the debate, it is right that the Council should be placed in possession of what has already passed with regard to an addition to the number of non-official Members. Before entering upon the subject he must state, that he has accidentally, and not officially heard, that such a question would be raised, but was not aware that an amendment would be brought forward embodying such a proposition; there was, therefore, no collusion (as it might appear there had been) between himself and his gallant friend on his right. It is proper that the Council should know what has already been done, but he must at once say that, if he were asked to produce the Despatches of Governors Fitzgerald or Kennedy on the subject, he would decline to do so, as such Despatches were necessarily of a confidential nature. The Clerk of the Council will read a resolution of the Council, carried on the motion of Mr. Clifton, on the 30th May 1854, as to an increase in the number of non-official Members.

(Minutes of the proceedings read accordingly.)

In August 1848, Governor Fitzgerald recommended to Earl Grey that an increase of two should be made in the number of non-official Members. In December 1848, Earl Grey declined to sanction the proposal. In August 1854, Governor Fitzgerald, in forwarding a resolution of the Council to the effect that there should be five non-official Members exclusive of the Judge (then considered non-official) advised that, rather than increase the number of Members, he would lessen the preponderance of the official element by withdrawing one office-holder. In March 1855, Sir George Grey stated that the propositions as to alterations in the constitution of the Council were under consideration. In May 1855, Lord John Russell called for further information on the several questions. In January 1856 Governor Kennedy furnished such information. In April 1856, Mr. Labouchere decided not to make any addition to the then existing numbers. He lays on the table a copy of Mr. Labouchere's Despatch; that Despatch is of importance in more points of view than one. The Secretary of State refuses to comply with the application, and says, that unless special circumstances should hereafter require it, he has no desire to make any addition. Although he will not produce Governor Kennedy's Despatch, he will read an extract, on which the Secretary of State founded his opinion, that the Council, as then constituted, appeared to possess the confidence of the community; the words were as follow: "I have no reason to suppose that the public have not implicit confidence in the Legislative Council as now constituted." In the present stage of the debate the question is, does the present Council possess the confidence of the community? One-third of the householders, in asking for a change, have said no; if that third think they can improve matters they are undoubtedly quite right to try. He will give no opinion on the general question, but will say that, with equal numbers of official and non-official Members, any Governor ought, in his opinion, to be able to carry on the business of the Government. Any good measure, properly brought forward, would secure support. One or two "fractious" men, such as those referred to by Mr. Hardey, in connection with the Governors of the Perth Church of England Collegiate School, could not stop or seriously interfere with the action of the Government; non-official Members would be too sensible to make trouble, or allow others to create difficulties. Of course, under the proposed arrangement, the Governor would have a casting vote.

The Surveyor General had not been prepared for the amendment, which was altogether unexpected. He thought that the question was to have been decided on the petition itself. It must be borne in mind, with regard to Governor Kennedy's statement as to the confidence of the people in the Council (referred to in the explanation which his Excellency had just made), that matters did not travel quite so smoothly then as they do now. It is not now necessary for officers of the Government to oppose the Governor. At the time referred to, official Members used not to see Bills until they were laid on the table; since the present Governor assumed the reins, matters are changed; every subject is thoroughly ventilated, well considered, and put into the best shape possible, before it is brought before the Council. The present non-official Members have certainly not taken that part in the discussion of measures which the public had a right to expect. There has been a constant cry that there is no representation; the people are not satisfied; for if the Council, as now constituted, possessed their confidence, they would not have petitioned for a change. There are certainly a great number of names attached to the petition, of people who did not the least know what they were signing. Look what the incipient Council asked for in the petition would assuredly lead to; responsible government must follow, and the revenue of the Colony must be greatly increased before that would be appropriate; many of those who have signed the petition would be only too glad to withdraw their names if they could. The agitation has not been a general one, but very partial. In making any change let people take care they do not get "out of the frying pan into the fire." What is it that people complain of? Nothing special or definite has been brought forward; it is a mere cry for a change, in the hope that any change will send us a-head; perhaps we may go astern instead; we are not all perfection certainly, but the greatest extent to which we can safely go towards meeting the wishes of the people, is to recommend the arrangement proposed in

in the amendment. From what has been brought before the Council, it is quite clear that the Secretary of State has the power to increase the number of non-official members. For himself, he would prefer seeing members appointed for five instead of three years, as they would then have more time to get in the way of managing matters. He fully concurs in the opinion as to the prematureness of the action taken by the petitioners. In the proposed change votes would be given largely to men of the bond class, who would form a large element in the constituency. He supports the amendment, and will only add, that if the battle had been fought on the petition of itself, he would have opposed a compliance with its prayer.

The Collector of Revenue cannot give a silent vote on such an important question. There is no one who has signed the petition who would more warmly support it, if he could believe that a compliance with its prayer would benefit the community, or conduce to the prosperity of the Colony; there are, however, many reasons why the movement must be considered as premature; the Colony could not, at present, meet the expense without further taxation, its finances would not bear the loss of Imperial contributions; moreover, the change would surely be productive of much antagonistic feeling. It is his conscientious conviction, that the time has not arrived for taking the proposed step, and he, therefore, will support the amendment.

The Attorney General concurs with the last speaker, and will vote for the amendment, especially after hearing that the Secretary of State has power to add to the number of non-official members. The provisions of the amendment will fully meet the requirements of the Colonists. He concurs with his gallant friend opposite as to the Colony not being sufficiently advanced to provide the members who would be wanted under the change proposed in the petition. There is, no doubt, plenty of intelligence in the Colony, but gentlemen are not in a position to give to the Council so much of their time as would be required. Under the proposed arrangement, one-third of a certain number of members would be nominated by the Crown, of which third one-half only were to be office holders; it would be utterly impossible to carry on the business under such circumstances. The Governor would still have a veto with regard to Bills, and all money matters would remain in the Governor's hands; what then would be gained by the change? Let us take care that in avoiding a supposed Scylla of absolute autocracy, we do not fall into the Charybdis of democracy. It would also be a loss to have no longer the presence of the Governor in the Council. There would be a Speaker; but, in a small community like this, it is desirable that the head of the Government should be in the Council, where he can at once give information on any point that may arise, without the delay of references. It is certain, however, that the men fit to be elected could not give their time, and also that responsible government must speedily follow the proposed first step. Are there men of sufficiently independent means to give one, three, or perhaps six months in the year of their time to work the government? He will vote for the amendment.

Mr. Hamersley objects to any change in the constitution of the Council so long as this shall be a convict Colony.

The Colonial Secretary has long felt the difficulty of the position in which he is placed from his advocacy of the cause of the petition. It is always pleasant to be able to agree with one's colleagues, and it will be understood how painful it must be to him to stand as he does, alone, in opposition not only to them, but almost to the whole Council. He has, however, for years past, always advocated outside views, such as are expressed in the petition, and cannot now be inconsistent. Since the question was first raised he has spoken much with the Governor on the subject; but his Excellency has never attempted to bias his views, and has studiously avoided even the expression of an opinion on the question, leaving him and all other official members perfectly free to act according to conviction. Although the Governor has so carefully refrained from stating, even to him, his views, there is undoubtedly an opinion abroad amongst the public, that his Excellency is opposed to a compliance with the prayer of the petition, and it increases the difficulty of his position to have to take a line opposite to that which the Governor is supposed to approve. He, must, however, be consistent. It is a great satisfaction to feel that, seeing the direction affairs have taken, he need not now enter into arguments as to granting the prayer of the petition; he will simply say that the petition has his entire concurrence, as the prayer embodied in it always has had. After hearing what the Attorney General has said as to the rejection of such a petition by the Council, he quite concurs in his honourable friend's view on the point; if the reception had been compulsory, it would have been very awkward for the Council, as the measure advocated by one-third of the householders might have to be adopted against the views of the remaining two-thirds; in his opinion, however, it was never intended by the British Parliament that the prayer of the petitioners should be rejected, when there is no evidence that a majority of the people oppose it; there is nothing in support of such supposed opposition but the letter read by Mr. Hardey, and it seems a great pity that steps were not taken to ascertain what the opinion of others than those petitioning really is. Looking at the tone of the Despatches read, and the correspondence which has been going on for the last 17 years, it is no good advising that two additional members be added. It would be very awkward to have an arrangement under which the Governor would practically have only a casting vote. The petition should go home, and the Secretary of State will not then grant what is asked in the amendment. The change proposed in that amendment would also be "a farce;" he does not concur with

what has been said about supposed prospective evils arising out of the enlarged form of Government; look at the Eastern Colonies, have they not prospered, notwithstanding the evils which have existed there? In their case, as it would be in ours, the good has always preponderated over the evil; as to the time not being a right one for the change, that is certainly a matter of opinion. There is no irritation against the Government now, nor is there any personal feeling or dissatisfaction against either the Governor or Government. The time seems therefore most appropriate. There is a general feeling of want of confidence in the present Council, and it seems most reasonable that people should wish to have a voice in the management of their own affairs. The Colonists only want to have a man from their own district to bring their wants before the Government. The present is no doubt the first step towards responsible Government, but people do not yet want that, nor is the Colony ready for it. There are plenty of men of education in the Colony, and as to the status of the voters, they would not, he is sure, elect any one with whom we would not all be glad to sit. He cannot but feel that the petition has now been rejected; but it will again be brought forward, and when we have unanimity we shall get what we want; looking at the position in which he stands, he shall refrain from voting on either side.

His Excellency the Governor thinks, with reference to the statement of the Colonial Secretary, that it is rather hard upon him, after all the trouble he has taken, and all the odium he has incurred in refusing to give an opinion on either side of the question, so as to leave members perfectly unbiassed, to be told that an idea prevails out of doors as to his views being in opposition to the prayer of the petition. He has entirely abstained up to the present time from giving any opinion, and will continue to do so. No one in the Council can have stronger views on the subject, or possibly more experience in similar matters, but he has expressed no opinion whatever; now that the question is practically settled, he will say this much, that it would have been better to meet the question on its own ground, the prayer of the petition, and not have ridden off on a side wind, as has been done in the amendment. He reminds non-official members that looking at former decisions and correspondence, it is by no means certain that the Secretary of State will grant what is asked. The question must still be "has the present Council the confidence of the people, and have special circumstances arisen since the last decision was given?" Some action will have to be taken outside the Council to ascertain if the provisions of the amendment meet the wishes of the Colonists, who may possibly say we have asked for bread, and you have tried to give us a stone; we do not want more nominees. The honourable member from Fremantle has certainly supported the amendment, rather than the petition which he introduced.

Mr. Samson (in reply) is sorry to say that all is lost now, and all the trouble he has taken is wasted. Agrees with the last orator (the Colonial Secretary), that means approval, and Mr. Barlee ought to feel satisfied. Is glad that the debate has been carried on in such good spirit and with such an absence of bad feeling. It is his duty to state that, in his examination of matters in connection with the petition, he is convinced that there is no reason to doubt its integrity. Reference has been made to the social position of those who signed the letter read by his friend, Mr. Hardey. Money cannot secure either integrity or talent; although he (Mr. Samson) has had to contend against three Goliahs, he will still assert that not a remark can be made against the petition; as to intellect, he dined to-day with a man who, while he was quite uneducated, was more intellectual than himself. Hopes he is not out of order, as he is generally wrong; at any rate if he is wrong, it will not spoil his night's rest, although, as regards the petition, he feels that he is "done."

Mr. Hardey (in reply). Is glad to see that his friend opposite (Mr. Samson) is in such good temper. Will not detain the Council long with his remarks. The decision on the question raised in the petition is not yet given, but very soon will be. [*Mr. Samson.* "Sooner the better."] He only hopes that if their request is granted, the people will come forward unanimously to support the new Government. He must again say that the Colony is not yet in a position to enter the second phase which would surely and speedily follow the first sought by the petitioners.

Amendment put:

Ayes.	No.
The Officer Commanding the Troops.	Mr. Samson.
The Surveyor General.	
The Attorney General.	
The Collector of Revenue.	
Mr. Hardey.	

The Colonial Secretary and Mr. Hamersley did not vote.

The Officer Commanding the Troops called upon Mr. Samson to vote as he had spoken.

Mr. Samson gave the following notice of protest:

"In view of the decision (*sic*) now arrived at by the Legislative Council, I hereby declare my protest against such decision (*sic*), and request that such protest may be forwarded

forwarded for the consideration of the Secretary of State for the Colonies. My formal written protest shall be handed to the clerk of this Council so soon as I have time to prepare it.

(signed) "*Lionel Samson,*
"Member of the Legislative Council."

Council Chamber,
18 August 1865.

(signed) *Geo. Hampton,*
Clerk of the Council.

Enclosure 4, in No. 2.

Legislative Council, Western Australia, Encl. 4, in No. 2.
Friday, 18 August 1865.

MOTION before the Council, that the prayer of the petition for the establishment of a Legislative Council under the Act of Parliament 13 & 14 Vict. c. 59, be complied with. This having been negatived by an amendment, which was passed, I, the undersigned, Lionel Samson, Member of the Council, on behalf of the 1,103 duly qualified persons who signed the petition in question, hereby protest against the right and authority of the said Legislative Council to negative the prayer of the said petition, and to refuse to comply with such prayer, for the following reasons:

1st. Because the requisitions of the Imperial Statute having been complied with by the petitioners, in obtaining the signatures of one-third of the householders of the Colony, it is incumbent upon the Council to carry out the prayer of the petition, in accordance with the intention of the Act of Parliament.

2nd. Because the words of the 9th section of the Statute, "it shall be lawful," are not intended to be discretionary, but enabling and impeiative. The case cited by the Honourable the Attorney General, to prove that these words give merely a discretionary power, viz., *In re Newport Bridge,* 29 Law Journal Report, is not a case in point. In that case it was contended that, because a certain Statute enacted that where any bridge repaired at the expense of the country should be narrow and incommodious, it should be lawful for the justices at quarter sessions to order it to be widened; and the Court of Queen's Bench ruled that the justices had a discretion in the matter. But to render the cases parallel, the statute referred to should have enacted that whenever one-third of the householders of the county should present a petition to the justices calling upon them to widen or repair the bridge out of the county rates, then the words "it shall be lawful" would have been imperative, and not merely discretionary. The rule appears to be, in all cases where it is enacted that certain things *may* be done, upon something *precedent* having been done, whenever it appears that the precedent act has been done, the permissive words become obligatory. *Macdougal* v. *Paterson,* 21 L. J.; *Crake* v. *Powell,* 21 L. J., Rep. v.; *Tithe Commissioners,* 14, 2 B. 459; *Chapman* v. *Milmain,* 19 L. J., Exch., 228.

3rd. Because no opposition or counter-petition has been got up by the public against the present petition, so as to call for the exercise of any discretionary power on the part of the Council, or to justify it in pretending to arbitrate between the expressed wishes of the requisite number of householders and the supposed dissent of the remaining body.

4th. Because if the Legislative Council are to have the power of rejecting the petition of one-third of the householders, they may reject a similar petition signed by every householder in the Colony, and may never consent to suppress their own body, as at present constituted. If the House of Commons are never to be dissolved except by its own consent, it would probably always live its full term.

(signed) *Lionel Samson.*

Enclosure 5, in No. 2.

Dear Sir, Rynton, 18 August 1865. Encl. 5, in No. 2.

I HEREBY tender my resignation as Member of the Legislative Council of Western Australia, and in doing so I beg leave to express my deep sense of the honest and persevering energy with which the affairs of this Colony have been managed since you have been at the head of our Government.

I resign simply because I hope and trust my place will be filled with a person more active and more eloquent, and consequently one more acceptable to the people.

I have, &c.
(signed) *Edward Hamersley.*

To his Excellency the Governor
of Western Australia.

— No. 3 —

(No. 163.)

No. 3.
Governor Hampton to Right Hon. E. Cardwell, M.P. 19 Sept. 1865.

COPY of a DESPATCH from Governor *Hampton* to the Right Honourable *Edward Cardwell*, M. P.

Government House, Perth,
19 September 1865.

Sir,

* Page 4.

WITH reference to my Despatch, No. 147,* of the 22nd ultimo, I have the honour to transmit the enclosed copy of a letter from Mr. Hardey, conditionally resigning his seat in the Legislative Council.

2. I also forward a copy of the Memorial alluded to in the last paragraph of my above-named Despatch, which is now in course of signature.

I have, &c.
(signed) *J. S. Hampton*, Governor.

Enclosure 1, in No. 3.

Sir,

Grove Farm, 27 August 1865.

Encl. 1, in No. 3.

WITH reference to what passed at the close of the debate on the 18th instant on a petition for an amendment of the constitution of the Legislative Council, I have the honour to tender my resignation of the seat I now hold, on condition than an increase in the number of non-official members, such as is sought in the amendment moved by me and carried, is sanctioned by Her Majesty's Secretary of State for the Colonies.

In taking this step, I cannot refrain from expressing my entire satisfaction at the open, truthful, and efficient manner in which your Excellency has conducted the affairs of the Government since your arrival amongst us.

You will be pleased to convey to Her Gracious Majesty's my thanks for the high honour conferred upon me.

I have, &c.
To his Excellency Governor Hampton. (signed) *J. W. Hardey.*

Enclosure 2, in No. 3.

Encl. 2, in No. 3.

To his Excellency *John Stephen Hampton*, Esq., Governor and Commander in Chief in and over the Colony of Western Australia and its Dependencies.

WE, the undersigned free settlers of the Colony of Western Australia, beg respectfully to express our opinion that a change in the constitution of the Legislative Council is desirable; but that we are not prepared to accept the particular change sought for by the petition for a modification according to the Imperial Act 13 & 14 Vict. c. 59, which must necessarily lead to unqualified self-government, and for which we are not yet prepared.

We therefore beg to express our general accordance with the amendment proposed in the Legislative Council by Mr. Hardey, and passed, to the following effect:

"That your Excellency should suggest to the Secretary of State that the number of non-official members of the Legislative Council be increased to a number equal to those of the members of the Government; and that such non-official members be appointed for a term of three years, and not for life."

We wish it to be understood, however, that we should very much prefer that instead of such members being appointed upon the nomination of the Governor, they should be elective by the people.

— No. 4. —

(No. 213.)

No. 4
Governor Hampton to the Right Hon. E. Cardwell, M.P.
21 Dec. 1865.

COPY of a DESPATCH from Governor *Hampton* to the Right Honourable *Edward Cardwell*, M. P.

Government House, Perth,
21 December 1865.

Sir,

WITH my Despatch, No. 163,* dated the 19th September last, I forwarded a copy of a memorial then in course of signature, and I now have the honour to transmit the original, handed to me this day.

* Page 14.

2. The memorialists state that, in their opinion, a change in the constitution of the Legislative Council is desirable, but that they are not prepared to accept the particular change provided for in the Imperial Act 13 & 14 Vict. c. 59, and therefore express their general accordance with the amendment passed in the Legislative Council, to the effect that the number of official and non-official members should be equalised.

3. I have nothing to add to the remarks on these points contained in my Despatch, noted in the margin.†

† No. 147, 22 August 1865, page 4.

4. With regard to the proposal in the conclusion of the memorial, that instead of the non-official members being appointed upon the nomination of the Governor, they should be elective by the people, I have to observe, such a change appears to me to be very immaterial, seeing that, to whatever extent I might be allowed any voice in the matter, I should endeavour to nominate the persons most acceptable to the free inhabitants generally, and fairly representing every interest throughout the Colony; a very difficult task, which I would be glad to see delegated to electors.

I have, &c.
(signed) *J. S. Hampton*, Governor.

Enclosure in No. 4.

To his Excellency *John Stephen Hampton*, Esq., Governor and Commander in Chief in and over the Colony of Western Australia and its Dependencies.

Encl. in No. 4.

WE, the undersigned, free settlers of the Colony of Western Australia, beg respectfully to express our opinion that a change in the constitution of the Legislative Council is desirable; but that we are not prepared to accept the particular change sought for by the petition for a modification according to the Imperial Act 13 & 14 Vict. c. 59, which must necessarily lead to unqualified self-government, and for which we are not yet prepared.

We therefore beg to express our general accordance with the amendment proposed in the Legislative Council by Mr. Hardey, and passed, to the following effect:

"That your Excellency should suggest to the Secretary of State that the number of non-official members of the Legislative Council be increased to a number equal to those of the members of the Government; and that such non-official members be appointed for a term of three years, and not for life."

We wish it to be understood, however, that we should very much prefer that, instead of such members being appointed upon the nomination of the Governor, they should be elective by the people.

(Then follow 72 signatures.)

Despatch from the Secretary of State.

— No. 5. —

(No. 45.)

No. 5.
The Duke of Buckingham and Chandos to Governor Hampton.
9 July 1867.

COPY of a DESPATCH from His Grace the Duke of *Buckingham* and *Chandos* to Governor *Hampton*.

Sir, Downing-street, 9 July 1867.

I HAVE had under my consideration your Despatch, No. 147,* of the 22nd of August 1865, and the other Despatches enumerated in the margin, relative to the recommendation of the Legislative Council, that the number of non-official members of the Council should be so increased as to be equal to the number of official members, and that the tenure of their seats should be for three years, instead of for life.

* Page 4.

No. 125. 21 July 1865, page 3.
No. 163. 19 Sept. 1865, page 14.
No. 213. 21 Dec. 1865, page 15.

Various circumstances prevented the adoption of a decision on this question before my accession to office. The present time, however, is very appropriate for the settlement of a change in the constitutional arrangements of the Colony. The recommendation is that the Legislative Council shall comprise an equal number of official and non-official members; and that the Governor shall retain his privilege of giving, besides his original vote, a casting vote in case of equal division. It is also proposed that the appointment of the unofficial members should be for three years, instead of for life, although they will not be ineligible for re-appointment. I have much satisfaction in conveying to you the assent of Her Majesty's Government to this proposal which has been made by the Legislative Council, adopted by yourself, and assented to in the memorial forwarded in your Despatch, No. 213.†

† Page 15.

You will be at liberty to recommend the appointment of a number of non-official members of the Legislative Council equal to the number of official members; and their appointment will, in the instrument conveying it, be limited to a period of three years.

It will, of course, be necessary that great care should be taken on the part of the Governor of Western Australia for the time being to recommend in sufficient time before the expiration of each period of three years the names of the gentlemen who are selected in substitution of those whose term of office is about to expire, or who are to be re-appointed.

I have, &c.
(signed) *Buckingham and Chandos.*

APPENDIX.

Appendix, No. 1.

(No. 11.) Appendix, No. 1.

Mr. Secretary *Labouchere* to Governor *Kennedy*.

Sir, Downing-street, 14 April 1856.

I HAVE received your Despatch, No. 4, of the 4th January, conveying a report on the constitution of the Legislative Council of Western Australia, and containing various remarks with regard to the duties and obligations of the official members of that body, as well as on the question which had been submitted to you by my predecessor of increasing their number.

Referring to the experience which has been gained elsewhere, and to the opinions expressed by yourself, in which I fully concur, I am not disposed to think that any advantage would be derived from increasing the number of members of the Legislative Council, which, as at present constituted, appears to possess the confidence of the community; and I have only to state that, unless special circumstances should hereafter require it, I have no desire to make any addition to the existing number.

I have, &c.

Governor Kennedy, &c. &c. &c. (signed) *H. Labouchere.*

Appendix, No. 2.

EXTRACT from a Despatch from Governor *Hampton* to Mr. Secretary *Cardwell*; dated Western Australia, 22 November 1864. (No. 113.) Appendix, No. 2.

"THE only practical effects hitherto produced by passing the Distillation Ordinance have been completely to stop all the previously troublesome agitation on the subject, and to assist in convincing the Colonists that there is no desire on my part arbitrarily to resist any rational measures such as this is, which would certainly, without the slightest difficulty, be carried through an elected Legislature under responsible government; a general line of policy I have found to be eminently successful in preventing the present form of government from being obnoxious to the free population, and in allaying the irritation prevailing with reference to it on my arrival."

"I am not aware what your views and wishes are in regard to the continuance of the form of government and legislature now in operation here, which appears to me to be peculiarly well adapted to the exceptional condition of this penal Colony, with a very limited revenue and a widely scattered small number of free inhabitants, amongst whom it would be difficult to find the materials for constituting an elected Legislature or a responsible Government; at all events so long as the existing form prevails it is, in my opinion, most desirable to endeavour to avoid the acrimony respecting it exhibited in my predecessor's Despatch, No. 99, dated 6th October 1856, and the Enclosures transmitted therewith, an asperity that continued to show itself from time to time for more than five years after that date."

WESTERN AUSTRALIA.

COPY or EXTRACTS of CORRESPONDENCE between the Secretary of State for the Colonies and the Governor of *Western Australia*, upon the subject of proposed Changes in the Constitution of the LEGISLATIVE COUNCIL of that COLONY.

(Mr. Chichester Fortescue.)

Ordered, by The House of Commons, *to be Printed,*
15 *August* 1867.

548.

Under 2 *oz.*

FURTHER PAPERS

RELATIVE TO

THE UNION

OF

BRITISH COLUMBIA AND VANCOUVER ISLAND.

(*In continuation of Papers presented 25th June* 1866.)

Presented to both Houses of Parliament by Command of Her Majesty.
May 1867.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1867.

18585.

SCHEDULE.

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No. 1.

VANCOUVER ISLAND.
No. 1.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 15.) Government House, Victoria, March 3, 1866.

SIR, (Received, April 16, 1866.)

AT the urgent request of the Legislative Assembly I have the honour to enclose the copy of a Resolution in which the Legislative Council concur, relative to the seat of Government of these Colonies, when united.

As I have no information of the intentions of Her Majesty's Government relative to uniting these Colonies I do not deem it necessary to trouble you with any remarks on the subject of this Resolution.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) A. E. KENNEDY,
&c. &c. &c. Governor.

Enclosure in No. 1.

Encl. in No. 1.

VANCOUVER ISLAND.

Resolution passed the Honourable Legislative Council and the Legislative Assembly in conference 2nd March 1866.

Resolved, that this house, having just learned that the union of Vancouver Island and British Columbia has been determined upon by Her Majesty's Government, would respectfully pray that the Secretary of State for the Colonies will be pleased to postpone the fixing of the permanent seat of Government until the wishes of the people of the two Colonies be ascertained.

That this Resolution be transmitted to his Excellency the Governor with the respectful request that he will be pleased to forward the same by telegraph to Her Majesty's Government, and also by post by the outgoing mail.

That these Resolutions be transmitted to the Honorable the Legislative Council for its concurrence.

(Signed) R. W. TORRENS,
Clerk of the House.

Passed the Legislative Council the 2nd of March 1866.

(Signed) E. J. NESBITT,
Clerk of the Council.

No. 2.

No. 2.

Telegram.

COPY of a TELEGRAM from the SPEAKER of the HOUSE OF ASSEMBLY to the Right Hon. EDWARD CARDWELL, M.P.

House of Assembly, Victoria, Vancouver Island,
June 20, 1866, 10 p.m.

(Received, July 12, 1866.) Viâ New York, June 28, 2.10 p.m.

To the Right Hon. Edward Cardwell, Her Majesty's Principal Secretary of State for the Colonies.—London, England (mail N.Y.)

The House of Assembly of Vancouver Island having considered the condition of the Colony is of the opinion:—

First.—That the country suffers intensely from causes in a great measure attributable to the continued separation of Vancouver Island and British Columbia, and to the very expensive and irresponsible character of the governments of British Colonies.

Second.—That the population of Vancouver Island and British Columbia, which, exclusive of Indians, does not exceed ten thousand (10,000) persons, cannot with other weighty liabilities afford more than a salary of two thousand (2,000) pounds for a Governor, with proportionate salaries for necessary heads of departments.

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Third.—In view of the above facts the House is of opinion that nothing short of immediate union of Vancouver Island and British Columbia under a Constitution apportioning the representations according to population, and giving to the people's representatives control over the mode and amount of taxation and expenditure, can stay the rapid decline of both countries and restore the confidence of the public.

Fourth.—The House, on transmitting the above to Her Majesty's Principal Secretary of State for the Colonies, feeling deeply the injury which both Vancouver Island and British Columbia are sustaining from the present state of uncertainty and suspense on the question of union, would respectfully ask for a reply by telegraph as to the intentions of Her Majesty's Government with regard to the matter during the present session of the Imperial Parliament.

Fifth.—By unanimous resolution Mr. Speaker is ordered to forward the foregoing Resolutions because the Governor declines telegraphing them unless approved by the Legislative Council, five eights ($\frac{5}{8}$) of whom are officials.

J. S. HELMCKEN,
Speaker.

No. 3.

No. 3.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 43.) Government House, Victoria, June 16, 1866.

(Received, August 8, 1866.)

SIR, (Answered, No. 7, August 22, 1866, p. 45.)

I HAVE the honour to enclose the copy of a Memorial from the Legislative Assembly of Vancouver Island forwarded to me for transmission.

The evil complained of is one of the evils springing from a separate policy and supposed separate interests existing between these Colonies.

I am of opinion that the measure thus brought under your consideration has a prejudicial effect upon both Colonies, and does not benefit either.

I have, &c.,

The Right Hon. Edward Cardwell, M.P. (Signed) A. E. KENNEDY,
&c. &c. &c. Governor.

Encl. in No 3

Enclosure in No. 3.

RESOLUTIONS reported from Committee of the Whole House, 15th June 1866. Confirmed by the House, 15th June, 1866.

MEMORIAL.

To the Right Hon. Edward Cardwell, M.P., Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

Your memorialists, the loyal subjects of Her Majesty, the Members of the Legislative Assembly of Vancouver Island in Parliament assembled, humbly beg to draw the attention of Her Majesty's Government to an Ordinance passed by the Governor and Legislative Council of British Columbia on the 15th day of February 1865, entitled "An Ordinance to amend the Duties of Customs."

Your memorialists would show that by the construction placed on that Ordinance in British Columbia it has been decided that goods shipped from Vancouver Island are chargeable with higher duties than the same goods shipped from any other country; and this practice has been enforced, since the passage of the Ordinance above referred to, to an extent almost amounting to a prohibition of trade with Vancouver Island. For example, a shipment of goods arriving in British Columbia direct (say) from France, invoiced at the net cost of one thousand pounds (1,000*l.*), or in other words the actual first cost of the goods where purchased, is entered for duties at the net cost aforesaid of 1,000*l.*, and is charged with (say) 20 per cent. duty, as provided for by the Customs regulations.

The whole charge for duties, say 20 per cent. on 1,000*l.*, will therefore be 200*l.* Now, if these same goods, or an invoice exactly similar in price and quality, be shipped from Vancouver Island, and landed in British Columbia, the process for assessing the duties would be as follows:

To the net cost of invoice in France (say) 1,000*l.* is added 50 per cent. or 500*l.*, making the goods of the value of 1500*l.* on which amount the duty of 20 per cent. is charged, making the duty payable 300*l.*

Thus, while the shipment from France would be chargeable with duties amounting to 200*l.*, the shipment from Vancouver Island would be chargeable with 300*l.* or an increase of 50 per cent. on the amount of duties payable on precisely the same or similar invoices of goods.

Your memorialists, the representatives of Vancouver Island, smarting under this mischievous enactment, appeal against a practice which will inevitably overthrow the large and important British interests vested in this Colony.

The 14th paragraph of the Royal Instructions to the Governor of British Columbia expressly forbids the making of any law imposing differential duties; yet, despite these instructions, the Ordinance referred to imposes really and virtually, though perhaps not nominally, a most onerous differential duty, which is rigorously enforced by severe penalties, to the great injury of Vancouver Island, and

without any benefit to British Columbia; the commerce chiefly benefited thereby being that of San Francisco, California,

Your memorialists by this Petition desire to draw the attention of Her Majesty's Government to the real character and effect of the British Columbian "Ordinance to amend the Duties of Customs, 1865," conflicting as it does with the previous policy of Her Majesty's Government in relation to these Colonies; to expose its insidious character, its partial, unjust, and oppressive operation on the trade and condition of this Colony; its tendency to ruin British commercial interests on this coast; and to induce Her Majesty's Government to disallow the clauses in that Ordinance which impose differential duties on the trade of Vancouver Island with British Columbia.

And your petitioners will ever pray, &c.

R. W. TORRENS,
Clerk of the House.

No. 4. No. 4.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 44.) Government House, Victoria, June 22, 1866.

(Received, August 8, 1866.)

SIR, (Answered, No. 15, Oct. 31, 1866, p. 46.)

Encl. 1 to 5.

I HAVE the honour to transmit enclosures, numbered from 1 to 5, being communications which have passed between the Legislative Assembly, the Legislative Council, and myself, and to offer the following remarks and explanations.

During the week ended the 16th June 1866 the Legislative Assembly had (according to newspaper statements) sat on several occasions with closed doors—or in secret, a course which of late they have frequently adopted. On Saturday morning the 16th June I read in a newspaper (the proprietor and editor of which have both seats in the Assembly) an epitome of the Resolutions marked No. 1, and some hours afterwards I received the Resolutions themselves.

The Speaker subsequently called upon me (Saturday, 16th June) and pressed me to transmit the Resolutions without an hour's delay. I pointed out to him the Colonial Regulations laid down for may guidance in Section VI. under the head of "Correspondence," and informed him that I could not take any such step without consulting my Executive Council, and further that I apprehended you would at the same time expect me to forward the opinion of the other branch of the Legislature on the important changes in the form of government, &c. which the Legislative Assembly proposed.

I consulted my Executive Council at the earliest moment (Monday the 18th June) when they concurred unanimously in the reply marked No. 2, dated 18th June, which I sent to the Assembly. I at the same time transmitted the Resolutions of the Assembly with the message marked No. 3, for the "consideration and opinion" of the Legislative Council.

On the 20th June I received the Resolutions of the Assembly marked No. 4, and on the 21st June I received the Resolutions marked No. 5, which were passed unanimously by the Legislative Council.

The Despatches which I have had occasion to address to you from time to time leave me little to add in the way of comment upon these Resolutions.

I must, however, draw your attention to the Resolution of the Assembly dated 20th June, as follows:—"Mr. Speaker is ordered to telegraph the foregoing Resolutions *because* the Governor declines telegraphing them unless *approved* by the Honourable Legislative Council, five eighths of whom are officials." This, you will observe by a reference to my messages, is a manifest mis-statement. My reply to the Assembly was as follows:—"I have now submitted these Resolutions to the Legislative Council, and on receiving the *opinion* of that body will lose no time in transmitting them with my report thereon to Her Majesty's Secretary of State for the Colonies."

I gave this matter careful consideration, and my Executive Council unanimously concurred in my opinion that I should not be justified in transmitting the original Resolutions of the Assembly, passed in secret session (and for aught within my knowledge by a narrow majority) without affording the Council and the public an opportunity of knowing their purport and forming their opinion upon them.

I entirely concur in the views expressed in the Resolutions of the Legislative Council; and I may here remark that several of the "officials" composing the Council possess considerable real estate in the Colony, and the three non-official members own more real property and have a larger stake in the Colony than the 15 members of the Assembly in the aggregate.

VANCOUVER ISLAND.

The constitution of the Legislative Assembly of this Colony, whether as regards character or capacity, is I think very unfortunate, and I fear that few persons possessing any self-respect will be found willing at any time to undergo the ordeal necessary to an election to a seat in the House.

I will not further occupy your time than by begging you to believe that I have exercised my best judgment and endeavoured to pursue an impartial course in this matter, and by expressing a hope that the course I have adopted will meet your approval.

I have, &c.

Right Hon. Edward Cardwell, M.P. (Signed) A. E. KENNEDY,
&c. &c. &c. Governor.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

VANCOUVER ISLAND.

RESOLUTIONS passed the Legislative Assembly 15th June 1866.

The House of Assembly of Vancouver Island, having considered the condition of the Colony, is of opinion,—

1st. That the country suffers intensely from causes in a great measure attributable to the continued separation of Vancouver Island and British Columbia, and to the very expensive and irresponsible character of the government of both colonies.

2nd. That the population of Vancouver Island and British Columbia, which, exclusive of Indians, does not exceed 10,000 persons, and cannot, with its other weighty liabilities, afford more than a salary of 2,000*l.* for a Governor, with proportionate salaries for necessary heads of departments.

3rd. In view of the above facts, the house is of opinion that nothing short of immediate union of Vancouver Island and British Columbia, under a constitution apportioning representation according to population, and giving to the people's representatives control over the mode and amount of taxation and expenditure, can stay the rapid decline of both countries, and restore the confidence of the public.

4th. The House, in transmitting the above to Her Majesty's Principal Secretary of State for the Colonies, feeling deeply the injury which both Vancouver Island and British Columbia are sustaining from the present state of uncertainty and suspense on the question of union, would respectfully ask for a reply by telegraph as to the intentions of Her Majesty's Government with regard to the matter during the present session of the Imperial Parliament.

Ordered, That the above resolutions be transmitted to his Excellency the Governor, praying that he will cause the same to be telegraphed forthwith to Her Majesty's Principal Secretary of State for the Colonies.

(Signed) J. S. HELMCKEN,
Speaker.

R. W. Torrens,
Clerk of the House.

Encl. 2 in No. 4

Enclosure 2 in No. 4.

Vancouver's Island, Government House,
(No. 24.) Victoria, 18th June 1866.

To the Honourable the Speaker and Members of the Legislative Assembly.

GENTLEMEN,

I HAVE the honour to acknowledge the receipt of four Resolutions on the "state of the Colony" which passed the Legislative Assembly on the 15th June 1866, accompanied by a request that I would cause the same to be telegraphed forthwith to Her Majesty's Secretary of State for the Colonies.

I apprehend that any Resolutions of one branch of the Legislature, having for their object a change in the form of government, and union of this Colony with British Columbia, would be valueless without the concurrence of the other branches of the Legislature, and that I should render myself responsible for the establishment of an irregular and inexpedient precedent if I transmitted these Resolutions (passed, as I understand, in secret session) without affording the Legislative Council an opportunity of expressing an opinion upon them.

I am directed by the instructions laid down for my guidance to accompany all communications entrusted to me for transmission to Her Majesty's Government by such report as their contents may appear to require. This manifestly cannot be done by telegram.

I have now submitted these Resolutions to the Legislative Council, and on receiving the opinion of that body will lose no time in transmitting them, with my report thereon, to Her Majesty's Secretary of State for the Colonies.

I have, &c.
(Signed) A. E. KENNEDY, Governor.

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Enclosure 3 in No. 4.

VANCOUVER ISLAND.

Encl. 3 in No.

Vancouver's Island, Government House,
Victoria, 18th June 1866.

To the Honourable the President and Members of the Legislative Council.

GENTLEMEN,

I HAVE the honour to submit for your consideration and opinion the copy of Resolutions transmitted to me by the Legislative Assembly on the "state of the Colony."

I have, &c.
(Signed) A. E. KENNEDY, Governor.

Enclosure 4 in No. 4.

Encl. 4 in No. 4.

VANCOUVER ISLAND.

RESOLUTIONS reported from Committee of the whole House, 20th June 1866; and, the Standing Orders having been suspended, confirmed 20th June 1866.

1. The House beg respectfully to acknowledge the receipt of his Excellency's Despatch, No. 24, dated 18th June 1866.

2. The House is surprised to find that his Excellency should have considered it expedient to lay the Resolutions (15th June) before the Legislative Council instead of telegraphing them to their destination, as desired by the House.

3. The House is of opinion that the Resolutions should not have been sent to the Honourable Legislative Council, as the House only intended to express its own opinion (in advance of a memorial upon the same subject), and requested the same to be sent by telegraph; because, if sent by steamer, the Imperial Parliament would have been prorogued before such Resolutions could have reached their destination.

4. The House, moreover, considers that such Resolutions should not be sent to the Honourable Legislative Council, five eighths of that honourable body being officials. It is hardly right to ask official members to give a decision upon a question materially affecting their own interests.

5. The House, deeming these Resolutions to be of the utmost importance at the present moment, from the fact that the question of union is under the consideration of Her Majesty's Government, and that Her Majesty's Government is liable to be influenced by persons inimical to the best interests of Vancouver Island and British Columbia, as well as (though perhaps unwittingly) to Imperial interests, has adopted the following Resolution which has been added to the Resolutions of the 15th of June, and ordered to be telegraphed forthwith to the Right Honourable the Secretary of State for the Colonies, viz.:—

"By unanimous resolution Mr. Speaker is ordered to telegraph the foregoing Resolutions, because the Governor declines telegraphing them unless approved by the Legislative Council, five eighths of whom are officials.

"The House regrets that his Excellency's determination should have compelled the adoption of this unusual course, but at the same time feels convinced not only of the necessity but also of the propriety of the steps taken."

(Signed) R. W. TORRENS,
Clerk of the House.

Enclosure 5 in No. 4.

Encl. 5 in No. 4.

VANCOUVER ISLAND.

RESOLUTIONS passed by the Legislative Council this 21st day of June 1866:—

That an humble address be presented to his Excellency the Governor, acknowledging receipt of and thanking his Excellency for his communication of the 18th instant, transmitting certain Resolutions of the Legislative Assembly "on the state of the Colony" for the consideration and opinion of this House.

That the following Resolutions, embodying the opinion of this House upon the subject of the Assembly's Resolutions be presented to his Excellency for transmission to Her Majesty's Principal Secretary of State for the Colonies.

Resolved, That the Legislative Council of Vancouver Island and it dependencies, having taken into its serious consideration the Resolutions above alluded to, feels considerable difficulty in suddenly expressing a decided opinion upon the varied and important subjects embraced in those Resolutions.

That the Council cannot agree in thinking that the Government of this Colony is irresponsible in its character, and fails to see the connexion between the depression which at present exists and the constitution of the Government.

That, in the opinion of this Council, that depression is owing mainly to the decrease of the mining population of the neighbouring colony diminishing the trade of Victoria—to overtrading—to differential duties imposed by the sister colony since the entire separation of the two Governments in 1864; to excessive commercial credits; to speculation in mining adventures; to a course of political agitation, which has had the effect of paralyzing credit and of repelling capital.

That it appears, however, to the Council that the evil has been aggravated by the uncertainty and suspense which has so long existed on the question of union; and that it would be highly expedient

VANCOUVER ISLAND.

that the final decision of Her Majesty's Government on that subject should be obtained and communicated with as little delay as possible.

(Signed) JOSEPH NEEDHAM,
President of the Legislative Council.

(Signed) E. J. NESBITT,
Clerk of the Council.

No. 5.

No. 5.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 45.) Government House, Victoria, June 26, 1866.
(Received, August 8, 1866.)

SIR, (Answered, No. 6, August 21, 1866, p. 44.)

IN the state of uncertainty which exists as to what the Legislative Assembly of this Colony will or will not do in reference to the finances, I deem it my duty to keep you informed by placing the following address from the Assembly, and my reply thereto, before you.

You will observe that on the 21st May the Legislative Assembly called for a return of all monies borrowed from the banks in 1865–6, and also "a return showing the "authority under which the Governor negociated such loans respectively."

My reply, dated 26th May 1866, fully answers both these questions.

The Bank of British North America, taking alarm, I presume, at the doubts thrown upon the legality of my proceedings by the Assembly, addressed the letter (herewith) dated 31st May 1866, to the Colonial Secretary, stopping all further credit.

I enclosed a copy of this letter in my confidential message dated 1st June 1866. I have not received any reply to either of my communications to the Assembly. The necessary consequence has been a stoppage of payment at the Treasury since the 1st of June, a fact of which the Assembly are quite aware.

I observe from newspaper reports (being the only information on the subject which has reached me) that a Bill authorizing a loan of $90,000 has passed a second reading, but when it will become law I am unable to anticipate.

This Bill, if it become law, will cover the debt to the Bank, and leave a margin to carry on the public service till the real estate and other taxes are received, the machinery for assessing and collecting which is radically faulty, and requiring amendment by law.

You will see from my message dated May 26th that I have kept the Assembly fully informed of the financial condition of the Colony; and I may add that I have in every step acted with the advice and concurrence of my Executive Council.

The Assembly has been in session since last November, and up to the present time has failed to propose or pass any rational measure for providing ways and means for carrying on the government of the Colony. There is the less excuse for this state of things, inasmuch as the audit of the accounts for 1865 shows that the total amount voted by the Assembly for the service of the year amounted to $313,558, while the expenditure reached $267,294, being $46,264 less than the sum voted.

I have, &c.

The Right Hon. Edward Cardwell, M.P. A. E. KENNEDY,
&c. &c. &c. Governor.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

VANCOUVER ISLAND.

RESOLUTION passed the Legislative Assembly, May 21, 1866.

Ordered that a humble Address be presented to His Excellency the Governor praying that he will cause the following Returns to be laid on the table of this House:—

1. A Return of the sums of money borrowed from the respective Banks of this Colony, and due at the expiration of the year 1865; also the amount borrowed during the year 1866, and now owing on account of the General Revenue.

2. A Return showing the authority under which the Governor negociated such loans respectively.

(Signed) R. W. TORRENS,
Clerk of the House.

Enclosure 2 in No. 5.

VANCOUVER ISLAND.

Encl. 2 in No. 5.

VANCOUVER ISLAND.

To the Honourable the Speaker and Members of the Legislative Assembly.

GENTLEMEN, Government House, Victoria, May 26, 1866.

I HAVE the honour to acknowledge the receipt of an Address from the Legislative Assembly for "A Return of the sums of money borrowed from the respective Banks of this Colony, and due at the "expiration of the year 1865; also the amount borrowed during the year 1866, and now owing, on "account of the general revenue;" and "A Return showing the authority under which the Governor "negociated such loans respectively."

I would take the opportunity thus afforded me to recall the attention of the Assembly to the fact that I have specially brought this subject under the notice of the House on several occasions.

In addressing the House on 16th May 1865, now more than twelve months ago, I stated that, owing to the smallness of the balance in the Treasury, I had been under the necessity of arranging with the Bank of British North America to overdraw to the amount of $10,000; that the Bank had agreed to a further advance of $10,170, to be applied to meeting the liabilities of the Corporation of the city of Victoria, an application of the public funds in which the Assembly expressed concurrence, by resolution dated 23rd January 1865; that, in view of the necessity of remitting immediately to England 2,000*l.* to meet payments on account of interest and sinking fund of loan, and of providing for current expenditure, a further credit of $20,000 had been obtained from the Bank; and further, that on that date (16th May 1865) the sum of $39,794 was due by the Colony to the Bank of British North America.

This communication did not elicit any response from the Legislative Assembly.

On the 20th December 1865 I informed the House, in submitting the estimates of revenue and expenditure for 1866, "that there is a present balance of $52,465 due to the Bank of British North "America, and it is not probable this will be decreased before the 31st December 1865."

Again the House will perceive that in a communication I had the honour to make on the 10th January 1866, relative to the partial nonpayment of the sums voted for 1865, for the Royal Hospital Victoria, for the Female Hospital, and for the Victoria Fire Department, I stated, "I have already "caused $3,000, or one moiety of that grant, to be paid; but in consequence of the income for the year "falling short of expenditure, and a debt to the Bank having thereby been already incurred, I do not "deem it expedient to increase that debt by the payment of the remaining moiety of the grant, without "placing the matter before the Assembly, so that it may be determined whether other means for the "payment of this appropriation should be adopted or not."

The Legislative Assembly, by Resolution dated 31st January 1866, expressed the opinion that the sums due (on account of votes for 1865) to the Royal Hospital and the Victoria Fire Department "should be paid forthwith." The Assembly, however, did not by that Resolution determine any "other means" for the payment of the appropriation than by an increase of the debt to the Bank as indicated in my message.

I may inform the House that in the month of December 1865 I caused a further sum of $8,680 to be paid, pursuant to the Victoria City Half-per-cent. Tax Act, 1865, to meet debenture liabilities of the city of Victoria, and that sum not having been collected under the provisions of that Act, an augmentation of the debt to the Bank was the result.

The amount due to the Bank of British North America on the 31st December 1865 was $63,515, and the amount due at the present time is $80,561.

I take this opportunity of directing the attention of the Legislative Assembly to the fact that the estimates of revenue and expenditure for 1866 have been more than five months before the House, and that no Bill of Supply has been passed, nor have ways and means been provided, for the necessary current expenditure and liabilities of the Colony.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

Enclosure 3 in No. 5.

Encl. 3 in No. 5.

(Confidential.) Vancouver Island, Government House,
SIR, Victoria, June 1, 1866.

REFERRING to Resolutions of the Legislative Assembly, dated 21st May, the Address and Returns called for on that date, together with my reply thereto, dated 26th May 1866, and the published proceedings of the House thereon, I have now the honour to submit for the consideration of the Legislative Assembly the copy of a letter from the manager of the Bank of British North America, dated 31st May 1866.

While doubts appear to exist in the Assembly as to the legality of my proceedings in making provision for carrying on the public service, I trust I may be held justified in declining to incur any further responsibility without the distinctly expressed authority of the Legislature.

I have marked this communication "Confidential," for reasons which will be obvious to the Assembly.

The Hon. Speaker of the Legislative Assembly, &c. &c. &c.

I have, &c.
(Signed) A. E. KENNEDY, Governor.

VANCOUVER ISLAND

Bank of British North America,
Victoria, V. I., May 31, 1866.

SIR,

I BEG leave respectfully to draw your attention to the state of the Government account with the Bank.

You are aware that the Directors of the Bank authorized advances to the Government about the beginning of last year, to the extent of $75,000, on the understanding that the greater part, if not the whole, would be paid before the close of the year. At the latter date the amount was considerably reduced, but since then the overdraft has been gradually increasing, and it now stands at $79,567.

I hope it will soon be convenient for the Government to reduce the overdraft, at least to the limit named. In the meantime, it is my duty to state, that I cannot allow the present amount to be increased, and if further advances are likely to be required by the Government it will be necessary for me to apply to the Directors for their sanction before making such.

William A. G. Young, Esq.,
Colonial Secretary.

I have, &c.
(Signed) J. B. SHEPHERD, Manager.

No. 6.

No. 6.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 46.)

Government House, Victoria, June 26, 1866.
(Received, August 8, 1866.)
(Answered, No. 8, August 22, 1866, page 45.)

SIR,

REFERRING to my Despatch No. 43,* dated 16th June 1866, I have the honour to transmit a Memorial from the Legislative Council of this Colony on the same subject.

* page 2.

I have, &c.
(Signed) A. E. KENNEDY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. in No. 6.

Enclosure in No. 6.

RESOLVED, that an humble Address be presented to his Excellency the Governor, praying that his Excellency will be pleased to transmit the following Memorial to Her Majesty's Principal Secretary of State for the Colonies.

To the Right Honourable Edward Cardwell, Her Majesty's Principal Secretary of State for the Colonies.

The Memorial of the Legislative Council of Vancouver Island and its dependencies respectfully showeth,—

That your memorialists submit for consideration the following facts:

2. That goods shipped from Vancouver Island to British Columbia are, by the mode of valuation adopted in British Columbia, absolutely charged with a greater amount of duty than goods shipped from any other country.

3. That this differential duty is so great, that, upon an invoice of 1,000*l.* of goods from the United States or France, or any other country, taken as an illustration, the duty levied amounts to 200*l.* only, while, on an invoice of the same amount from Vancouver Island, it amounts to 300*l.*

4. That while such differential duty fails to produce any advantage to British Columbia, it has a tendency ruinous to the trade of Vancouver Island.

5. That the above duties are levied under an Ordinance passed in British Columbia on the 15th day of February 1865.

6. That the above Ordinance is contrary to the Royal Instructions issued by the Imperial Government to the Governor of British Columbia, paragraph 14, which forbids the imposition of differential duties.

7. That such a tariff is contrary to the comity which ought to exist between two sister Colonies; contrary to the true interests of both; and is calculated to inspire disunion and hostility between them.

8. That, having regard to the above facts, and believing that the said Ordinance has not yet been ratified by the Queen in Council,—

9. Your memorialists humbly pray that the same may be disallowed as being prejudicial to the true interests of both Colonies, injurious to the trade of Vancouver Island, contrary to the letter and spirit of the Royal Instructions, and opposed to the Imperial policy of free and unrestricted trade.

And your memorialists, as in duty bound, will ever pray.

Passed the Legislative Council this 25th day of June 1866.

JOSEPH NEEDHAM, President.
E. J. NESBITT, Clerk of the Council.

No. 7.

EXTRACT from a DESPATCH (No. 48.) from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P., dated Government House, Victoria, June 26, 1866. Received, August 8, 1866. Answered, No. 15, Oct. 31, 1866, p. 46.)

I HAVE the honour to transmit a memorial from the Legislative Assembly of this Colony with reference to the union of Vancouver Island and British Columbia.

I have numbered the paragraphs of this memorial for greater facility of reference.

A reference to my Despatch No. 44,* dated 22nd June 1866, by this mail, will show distinctly that the statement in paragraph 1 of the memorial, that I declined to transmit the Resolutions of the Assembly, "unless *approved* by the Legislative Council," does not consist with fact. Whatever motive may have induced that statement, such a palpable inaccuracy at the outset of the memorial will not, I apprehend, tend to give weight to subsequent statements, the truthfulness or otherwise of which you may not possess equally distinct means of determining.

* page 3.

Paragraph 2. Three evils appear by the latter part of this paragraph to be treated of therein. The first is merely alluded to as something inevitable which will effect "their" own cure, and is not definitely described. The second evil is the continued separation of the Colonies, resulting, as alleged, in legislation on the part of British Columbia, "hostile alike to Imperial and Vancouver Island interests." I presume this has relation to the subject of my Despatches Nos. 43* and 46,* dated 16th and 26th June respectively. Of the third evil alleged to be "others flowing from the unnecessarily expensive and highly impracticable systems of government of both Colonies," I can only speak as regards Vancouver Island. You will have gathered from previous Despatches that I have long been of opinion that the form of government of this Colony is wholly unsuited to its population and circumstances, that it is unworkable, and that a simpler form would be far better and possibly cheaper than the present; and it is an undoubted fact that the Representative Assembly has been both directly and indirectly the cause of much unnecessary expenditure. The costly scheme referred to in my Despatch named in the margin emanated from the Assembly. The "insupportable burthen" with which the people are oppressed is not defined. If taxation be intended, I have already in previous Despatches stated my opinions on that subject. What may be the nature of the "liberal and necessary laws" referred to by the Assembly I will leave you to infer, when I state that the only measure passed for which any apparent popular clamour has been raised was a school bill passed in 1865, and which has already been the fruitful parent of expenditure and jobbery, and that the Land Proclamation (founded I believe chiefly on the land laws of the neighbouring American states) has given the greatest encouragement to land speculation, and thereby retarded the settlement and consequently the development of the country.

* pages 2 & 8.

Paragraph 3. I have already expressed my opinion in favour of the union of the Colonies and of an early settlement of the question. The cause of the separation of the Colonies is of course well known at the Colonial Office, but I believe I am right in denying it to have been the result of "Imperial expediency." The two Colonies are not only intimately connected with each other, but to a very great extent mutually dependent.

Paragraph 4. The traders and land speculators have fixed themselves at Victoria, the port first established in either Colony, and there some of the miners of British Columbia spend their winters and their gold. Last winter a larger number of miners wintered at the mines than theretofore.

Paragraph 5. The Indians of Vancouver Island do not contribute appreciably to the Revenue; they may be said to be wholly untaxed. This estimate of the population of the two Colonies at 10,000 is much lower than the true number. I have already expressed my views upon the taxation and expenditure of Vancouver Island; and whatever objections I may entertain to the present mode of raising taxes adopted in this Colony, the application of such terms as "unparalleled" and "ruinous" to the taxation of Vancouver Island, where the bulk of the population may be said to be untaxed, is wholly without warrant. A form of government in which the management of the affairs of the Colony, instead of being left to an irresponsible body like the Assembly, should be entrusted to a greater extent than at present at all events, to persons answerable for their conduct to the Crown, would tend to the end desired in this paragraph, and would, I believe, meet the general approval of the respectable and sober-minded British inhabitants of the Colony.

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Paragraph 6. This paragraph relates chiefly to British Columbia. If by "a more liberal and irresponsible form of government," party government on the model of Great Britain or her more advanced Colonies be meant, I have no hesitation in saying that in Vancouver Island the elements of such a form of government have never existed, and are not likely, in my opinion, to be found for many years to come.

Paragraph 7. It is true that the Legislative Council have rejected measures passed by the Assembly, or, having modified them, they have been rejected by the Assembly. The time of the Assembly, with no representative of the Executive Government to assist in its deliberations, has been chiefly occupied in useless discussions and in passing bills which never could without much modification have received the confirmation of Her Majesty. The rejection of the Volunteer Bill and the recent rejection for the second time of the Postal Bill by the Assembly after passing the Legislative Council, are instances in which the complaint of that body against the Legislative Council might be directed with all the force of truth against itself. The members of the Legislative Council are directly responsible to the Crown, but I am compelled to say that the Members of the Assembly, so far as my experience of that body has extended, have not evinced any sense of their responsibility to their constituents, to each other, or to their Sovereign. The instance or instances in which the Governor has refused "to grant necessary information" are not detailed, and the assertion to that effect does not require comment beyond stating that, so far as I am concerned, I have always readily granted "necessary information to the Assembly on matters affecting the vital interests of the Colony" so far as it has been within my power to do so.

Paragraph 8. The control of the "manner and amount of the taxation and expenditure" has unfortunately been too much left to the Assembly and the result has been financial confusion and embarrassment. As regards the salary of the Governor of this Colony, I beg to refer you to my Despatch, No. 27, dated 4th May 1865. A Government House is now maintained here, but not "at great expense" to the Colony. Some of the expenses which should properly be charged to the public are now defrayed by the Governor. The words "each has a Private Secretary," appear from the context to be intended to convey the idea of a public charge, the fact being that the Assembly have refused to vote the salary of the Private Secretary of the Governor of this Colony.

Paragraph 9. If it be not premature to discuss a civil list for the united Colonies, I am prepared to show that the amounts proposed are very inadequate.

Paragraph 10. This is a matter of hypothesis which Her Majesty's Government will know how to deal with in a proper manner.

Paragraphs 11 and 12. The representative institutions of Vancouver Island do not give much earnest of better things from similar institutions in the united Colonies. "An economical government" would doubtless be advantageous. The scheme of opening the communication across the Rocky Mountains may be of great advantage as the interior of British Columbia becomes settled and opened up.

Paragraphs 13 to 16. I have earnestly advocated the establishment of a British line of steamers between this Colony and Panama, but the Assembly have hitherto interposed insurmountable obstacles in the way by refusing to vote a sufficient subsidy, and by the rejection of a postal law, besides the barrier which the uncertainty of the continuance or repetition of votes of subsidies has presented to any Company contemplating the establishment of such a line. The suggestion of the importance of establishing efficient and regular postal communication with the Mother country has until the present time been treated with neglect and indifference by the Assembly. I have not been without hopes that a subsidy of such an amount as the two Colonies could have afforded would, with a due assurance of permanence, have led Her Majesty's Government to consider favourably a proposal to increase the subsidy to such an amount as would have induced a responsible company to undertake the service.

Paragraph 16. The large sums referred to in this paragraph as being now paid to keep up a connexion with California cannot be considered as part of a steady and determined scheme of communication with the Mother country, although, in fact, that connexion involves a portion of the whole route. The "large sums" are being expended for the purpose (proper and useful in itself) of attracting the traffic expected to arise this year to a new gold field on the Upper Columbia River, through Victoria and by the way of the Fraser River, rather than allowing it to pass through United States territory.

Paragraph 17. I believe the natural resources of these Colonies to be such as with sufficient development would secure lasting prosperity to both.

I cannot conclude without drawing your attention to the fact that this Memorial

is the result of several secret sittings of the Assembly, and that I am, therefore, in utter ignorance of the number of Members from whom it emanates, and of the degree of unanimity with which it was adopted; and I think, looking at the recent instances in which matters of importance have been discussed in a thin House, and carried by a narrow majority, it is a matter for regret that I am not able to afford you any information on this point. VANCOUVER ISLAND.

Enclosure in No. 7. Encl. in No. 7.

"To the Queen's most Excellent Majesty."

"MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Vancouver Island in Parliament assembled, in full assurance of Your Majesty's desire to promote the welfare of Your people, beg leave humbly to address ourselves to Your Majesty upon matters of the deepest interest to Your faithful subjects in this Colony.

"We humbly represent that, desirous of reaching the foot of the Throne before the recess of Parliament, we transmitted by telegraph on the 20th June to Your Majesty's Principal Secretary of State for the Colonies a few brief resolutions on the condition of this Colony, which his Excellency Governor Kennedy declined to transmit unless approved by the Legislative Council, urging immediate union of Vancouver Island and British Columbia under a liberal constitution; and we would now respectfully submit for the consideration of Your most Gracious Majesty, the following more detailed views on the same subject.

2. "We would, in the first place, state that both Vancouver Island and British Columbia are at present suffering grievously from a variety of evils, some of which are the inevitable results of circumstances incident to new colonies, others arising from the continued separation of Vancouver Island and British Columbia, by which a system of legislation has been adopted in the Legislative Council of the latter Colony, hostile alike to Imperial and Vancouver Island interests, and others again flowing from the unnecessarily expensive and highly impracticable systems of government of both Colonies, which, while oppressing the people with an insupportable burthen, have at the same time prevented the passage of liberal and necessary laws to promote the settlement and development of the country. The first of these evils are of such a nature as will gradually effect their own cure, but the second and third are entirely under the control of Your Majesty's Government, and it is with the earnest hope that Your most Gracious Majesty will be pleased to grant such relief as in Your Majesty's judgment may be deemed expedient,—

"That we humbly pray:—

3. "First. For immediate legislative union of Vancouver Island and British Columbia, countries which, we believe, were only placed temporarily under different governments through Imperial expediency. The interests of the Island and of the mainland have always been and are identical, not merely from the fact of these communities trading with each other and owning allegiance to the same authority, but also from their being dependent on each other in the most absolute sense.

4. "From 1858 population and capital have been gradually centering in Vancouver Island, and it is from these two elements principally that the mineral resources of British Columbia have been and are being developed. It is from Vancouver Island mainly the capital flows that brings to light the hidden wealth of Caribou and other gold fields, and it is from the same source the majority of the mining population of British Columbia, who reside in Vancouver Island the greater portion of the year, is obtained. It will thus be seen that Vancouver Island's interest in the mainland is more than an ordinary interest, and that what affects the prosperity of the latter country, whether it be the enormous expenses of its government, or the ill-judged and unpopular character of its laws, acts in a corresponding degree on the former. How deep the interest is which British Columbia feels in Vancouver Island will be best ascertained by a perusal of the petition for union forwarded some time ago by the Administrator of the Government of British Columbia to Your Majesty, signed, as it was, by all the principal merchants, manufacturers, miners, traders, and farmers in the neighbouring Colony.

5. "Second. We would further state that while the combined population of both Colonies, exclusive of Indians who contribute in some degree to the revenue, does not exceed ten thousand persons, the expenditure of the two Governments amounts in the aggregate to nearly two hundred thousand pounds a year. It is scarcely necessary to point out to Your Majesty the unparalleled and ruinous character of the taxation required to support such an outlay, and the absolute necessity for a form of government that will bear more lightly on the inhabitants, and afford them more effective means to check extravagance.

6. "In British Columbia, as Your Majesty's Government is aware, the government is carried on by a Legislative Council, consisting of ten official and five unofficial members. The system virtually stifles public sentiment, as, from causes which are inseparable from an overwhelming official influence in a Legislative Chamber in a young country, the usefulness as well as independence of the non-official members is seriously impaired. Salaries are raised and expenses incurred under such a state of things that could never be done under a more liberal and responsible form of government.

7. "The constitution of Vancouver Island is free from some of the evils which exist in the constitution of the neighbouring colony, but the unduly official and nominative character of the Upper House has created serious dissatisfaction throughout the Colony, the members acting in direct antagonism to the Assembly, and throwing out, session after session, measures which the public interest loudly and persistently demands.

"By such determined hostility to the Lower House as this irresponsible body has evinced, and the refusal of the Governor to grant necessary information to the Assembly on matters affecting the

VANCOUVER ISLAND.

vital interests of the colony, the welfare of the country has been deeply injured and the Legislative Assembly reduced almost to a nullity.

8. "We would, therefore, pray that in uniting the two colonies Your Majesty's Government will be graciously pleased to grant to the people such a constitution as will, while reserving to the Crown every prerogative consistent with representative government, enable them to control the manner and amount of the taxation and expenditure, and, if necessary, prevent the official element acting to the country's detriment by hostility to the people and their representatives. As one portion of the great expenditure above stated we would humbly represent that the salary of the Governor of British Columbia was raised by the Legislative Council of that colony to 4,000*l.* a year, and 1,000*l.* per annum are allowed for travelling expenses. The salary of the Governor of Vancouver Island is 3,000*l.* For each, at great expense, a house is maintained, and each has a private secretary.

9. "With a view to laying down the groundwork of economy in the government of the country, we would respectfully submit for Your Majesty's consideration the following civil list for the united colonies:—

	£
Governor	2,000
Two Judges	2,400
Colonial Secretary	600
Surveyor General	500
Collector of Customs	600
Attorney General (with permission to practise)	400
Treasurer	500
Total	7,000

"An amount as great as, with the present serious liabilities and ever recurring need for internal improvements in both Colonies, can, we believe, for some years hence be afforded.

10. "It would, however, be extremely difficult to construct and sustain an economical and useful government after the two colonies shall have been united, unless they shall be presided over by a Governor not in any way interested in the continuance of a system which has grown up during the past years of imprudence and disregard of popular rights, possessed of large experience in the affairs of colonies enjoying representative institutions, and one whose cordial co-operation with the people's representatives might be relied on; for, it has been found impossible to effect any very perceptible retrenchment under existing circumstances.

11. "We would express our belief that, with representative institutions and an economical government suited to their financial ability, the colonies will, after union, advance in a steady and sure course of prosperity.

"Their progress would be greatly promoted by the opening of communication from the Pacific to the fertile plains and auriferous streams of the Saskatchewan country, east of the Rocky Mountains.

12. "This has already, to a considerable extent, been effected by governmental and private enterprise, and a further advance eastward will probably soon be made; but, as part of the projected highway between the Atlantic and Pacific, this undertaking, from its important bearing on Imperial interests, may yet claim aid from Your Majesty's Government.

13. "Another measure which would greatly benefit the United Colonies, is steam communication with Panama, and connexion at that port with the West India Steam Ship Company's line from England to Aspinwall.

14. "This, we are informed, will be furnished by the above-named Company, provided they are guaranteed annually 20,000*l.*, or eight per cent. on the amount of capital deemed necessary for the undertaking. Such a connexion would greatly foster British interests as well as British sentiment in this part of the world, besides paving the way for greater undertakings of the kind in future, having in view connexion between 'Confederated British North America,' and the rich and populous countries on the Asiatic shores of the Pacific.

15. "Referring with pride to the great and, for the small number of tax payers, unprecedented efforts heretofore made by both Colonies in self support and internal improvements, we profoundly regret that it will be out of our power to procure the vast advantage of the steam communication above mentioned, unless Your most Gracious Majesty's Government should be pleased to extend a helping hand to these young and struggling Colonies, believing, as we do, that if it assumes one half the expense, the Mother country will reap its full share of the benefit.

16. "Without connexion with the Mother country by means of mail steamers the progress of these Colonies is greatly retarded; and so deeply is this felt by the people, that large sums are now paid to a foreign steamboat company by each Colony to keep up connexion with California, although the compensating advantages arising from this outlay cannot be compared with those that would result from subsidizing a British line of steamers between Panama and these colonies.

17. "With faith in the mineral and other numerous resources of British Columbia and Vancouver Island, which are gradually being developed under great difficulties, and feeling the most unbounded confidence in the maternal solicitude of Your most Gracious Majesty for the well-being of all your loyal subjects, we believe that the present appeal for such institutions and other reasonable aid as will conduce essentially to the welfare and happiness of the united Colonies, will not be made in vain.

"And we, Your Majesty's loyal and devoted subjects, as in duty bound, will ever pray."

J. S. HELMCKEN, Speaker.

House of Assembly, Victoria, Vancouver Island,
22nd June 1866.

No. 8.

Telegram.

COPY of a TELEGRAM from Governor KENNEDY, C.B., to the SECRETARY OF STATE FOR THE COLONIES.

(No. 3.) From Victoria, June 28, 1866, to Secretary of State for the Colonies, Downing Street, London. Mail New York.

(Received, July 12, 1866).

GOVERNOR'S report on Resolution, telegraphed by Assembly direct to Secretary of State, will, together with Resolutions of Council, be transmitted by outgoing mail.

A. E. KENNEDY.

No. 9.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 50.) Government House, Victoria, July 12, 1866.

(Received, August 27, 1866.)

(Answered, No. 10, September 12, 1866, page 45.)

SIR,

REFERRING to and in continuation of my Financial Despatch No. 45,* dated 26th June 1866, I have the honour to transmit further communications which have passed between the Legislative Assembly and myself on the same subject.

* page 6.

These documents explain themselves, and do not require any lengthened comment.

In reference to the last communication from the Speaker, dated 6th July, I have to state that the Bill authorizing a loan of $90,000 (18,556*l.*) has passed the Legislature, and has received my assent.

This Bill (which will be formally submitted in the usual course) authorizes the Government to raise funds by way of loan, bearing interest at 12 per cent. per annum, to pay off the debt, by overdraft to the Bank of British North America, and to leave a small balance in aid of the ordinary revenue at my disposal to carry on the Government. It is an attempt to make good by a loan the failure of the Assembly to provide ways and means to meet the current expenditure of the Government for the years 1865 and 1866.

It is a remarkable fact that although the Bill directs that the loan shall be repaid by the end of the year 1868, it does not indicate the means by which such repayment shall be effected; nor am I aware of any suggestion being made in the Assembly for that purpose. And, having regard to this important omission, I trust the urgent necessity of restoring the credit of the Government by the resumption of payments at the Treasury will be my justification for assenting to the Bill.

Although it is expected that the loan can be effected in the Colony, I have grave doubts whether it will be practicable, in view of the impaired state of public credit, consequent, as will be collected from the Despatches I have from time to time addressed to you, to a great extent upon the reckless proceedings of the Legislative Assembly.

The expedient of borrowing money at 12 per cent. interest for the purpose of paying current liabilities (among which is the interest on the 40,000*l.* six per cent. loan) cannot in itself be regarded as otherwise than ruinous; and, except under the very peculiar and difficult circumstances in which I found myself placed, a resort to it would not have met my concurrence.

It may state for your information that the Legislative Assembly is now engaged in reconsidering the estimates for the current year, and its votes and resolutions relating thereto, of which I enclosed a copy in my Despatch No. 9, dated 8th February 1866. I regret to find that the Assembly perseveres in the assertion of a right to initiate money votes independently of the Executive Government, the obvious effects of which must be financial discredit, embarrassment, and confusion.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) A. E. KENNEDY.
&c. &c. &c.

VANCOUVER ISLAND.

Enclosure 1 in No. 9.

(No. 30.) VANCOUVER ISLAND.

Encl. 1 in No. 9.

SIR, Government House Victoria, July 2, 1866.

REFERRING to my communication marked "Confidential," and dated 1st June 1866, I have the honour to request you will afford me some intimation of the course the Legislative Assembly propose to adopt.

Two months arrears are now due to many public creditors, and I can no longer assume the responsibility of accepting supplies or services on behalf of the public for the payment of which no sufficient means are placed at my disposal.

I do not feel justified in longer witholding from the knowledge of the Legislative Assembly the contents of a letter from his honour the Chief Justice, dated 15th June 1866, (a copy of which I enclose,) indicating only some of the grave complications which must follow on a continuance of the existing state of things.

I have, &c.

The Hon. the Speaker of the Legislative Assembly, (Signed) A. E. KENNEDY.
&c. &c. &c.

VANCOUVER ISLAND.

SIR, Judges Chambers, June 15, 1866.

I HAVE the honour to inform you, for the information of his Excellency the Governor, that the officers of my Court have been refused payment at the Treasury of their salaries for the month ending the 31st May last.

The injury that must result to the public service from such a state of things can scarcely be exaggerated, as, if continued, it will probably result in the closing of the Courts of Justice, the business of which it is obvious cannot be carried on without officers to transact it.

Earnestly begging your prompt attention to this matter,

I have, &c.

The Hon. the Colonial Secretary, (Signed) JOSEPH NEEDHAM, C. J.
&c. &c. &c.

Encl. 2 in No. 9.

Enclosure 2 in No. 9.

(No. 33.) VANCOUVER ISLAND.

To the Honourable the Speaker and Members of the Legislative Assembly.

GENTLEMEN, Government House, Victoria, July 6, 1866.

I HAVE the honour to direct the attention of the Legislative Assembly to the following facts having relation to the finances of the Colony.

The Legislature has been more than seven months in session, and up to this late period of the year no legal provision has been made for the expenditure necessary to the carrying on of the Government, nor have the ways and means needful to meet such expenditure for the year 1866 been yet provided by the Legislature, though the estimates were laid before the Assembly on the 20th December 1865.

The period of the year will shortly arrive when, according to the rules laid down for my guidance, estimates of revenue and expenditure for the year 1867 should be prepared and submitted to the Legislature for consideration.

Meanwhile, the injury to the public credit of the Colony by the stoppage of payment of just debts of the Government at the Colonial Treasury continues unabated; the communication I addressed to the Assembly on the 1st of June, in which I enclosed a letter from the Bank of British North America declining to make further advances, and stated that I could not incur any further responsibility without the distinctly expressed authority of the Legislature, having as yet led to no practical result; and, as will be seen from the communication I had the honour to address to the House on the 2nd July, in which I called the attention of the House to the fact that two months' arrears were then due to many public creditors, and in which I enclosed a copy of a letter from the Chief Justice in which his Honour indicated the probable necessity of closing the Supreme Court for want of paid officers to conduct the business, further and more serious evils may be anticipated, which can only be averted by the prompt and judicious action of the Legislature.

I cannot consent to bear any portion of the heavy responsibility I should incur by abstaining from again urging the paramount importance of relieving the Colony from its present unfortunate condition of discredit without delay.

I would take this opportunity of recalling the attention of the Assembly to the various votes and Resolutions relating to the expenditure of 1866, which, although come to by the Legislative Assembly on the 26th of January last, are yet without the force of law.

The Assembly have refused to make provision for a private secretary or for clerical assistance of any kind for the Governor, and have reduced the staff of the Colonial Secretary's office to one clerk, who is also clerk of the Legislative Council. It follows, therefore, that when the Colonial Secretary and his clerk are in attendance on the Legislative Council (the session usually extending over the greater part of the year) the public offices are left without a public officer of any kind.

Notwithstanding this state of things, voluminous returns are called for, and numerous interrogatories are addressed to the Governor by the Assembly.

The communications of the Governor to the Assembly, under these circumstances, are necessarily much impeded, and, giving place to other important affairs, will probably, though not without much

reluctance on my part, of necessity cease altogether, unless by personal interview with the Honourable the Speaker.

The Assembly have proposed to reduce the salary of the Treasurer by more than 40 per cent., a proceeding which, having regard alone to the circumstances under which that officer accepted public employment, I think, cannot be regarded in any other light than as a breach of public faith. The Assembly have also expressed their intention of abstaining from making any provision for a clerk to the Treasurer, the consequence of which would be that while the Treasurer is occupied with his duties in the Legislative Council his office will of necessity be closed, both for the receipt of taxes and for the payment of public creditors.

No provision appears to be intended for messenger or office-cleaner for the offices of the Colonial Secretary, Treasurer, or Surveyor General, so that their offices will remain unswept, and during winter the fires unlit, unless those officers perform the services for themselves, or themselves defray the cost of them.

Her Majesty's Secretary of State has laid it down that, in view of the small salary voted for the Attorney General, he is entitled to the customary fees. But the Assembly have resolved that fees shall not be allowed to him, and have declined to provide salary for his clerk. It cannot be expected that this officer will not only prosecute colonial criminals gratis, but also at the same time forego his professional opportunities of defending them for probably handsome remuneration.

The Post-Office exists without any legal authority to frame regulations or collect revenue; and I must decline longer to incur the responsibility of recognizing a department over which I have no legal control. The views of Her Majesty's Government on this subject may be gathered from the accompanying copy of a depatch from Her Majesty's Secretary of State for the Colonies.

There is no provision made for the audit of the public accounts beyond a proposal to appoint the clerk of the Legislative Assembly to the office of auditor, to which, for sufficient reasons, I have declined to accede. I have in a previous communication assigned a cause for the delay in completing the audit of the accounts for the year 1865. A failure to make due provision for the continuance of this service would have the effect of allowing the public accounts to fall into a state of arrear and confusion, from which they could only eventually be extricated and adjusted by a much larger outlay.

Although the Registrar General and Assessor are appointed under local statutes, by which their salaries are fixed and secured to them, the Assembly practically resolve to make no provision for the payment of their salaries; and their offices, as well as the offices and salaries of the Supreme Court, are left in a state of uncertainty and confusion.

I think it due to the inhabitants of Nanaimo again to draw the attention of the Assembly to the insufficiency of sums proposed to be expended for the requirements of that remote and isolated district, which contains a population of about 800, employed in steady industry; which is the resort of a large tonnage of shipping, and which furnishes the only Colonial export. The Revenue directly received from this district in 1865 amounted to no less than $5,896, besides indirect contributions which cannot be accurately estimated; and the amount which the Legislative Assembly propose for the carrying on of the whole of the public business of the district is the very inadequate sum of $800 for "Postmaster, Harbour Master, and Collector of Dues," no provision whatever being made for the expenses of the administration of justice, or for the protection of life and property. Meanwhile, the consequences of the proposed reduction have been highly detrimental. A town second only in importance to Victoria has by these measures been left without proper and sufficient magisterial and police supervision, resulting in the unchecked sale of ardent spirits to the aborigines, and its consequent crimes of violence, and in unrestrained rioting. The depriving the harbour of that due attention from a harbour-master which the numerous ships frequenting it have a right to expect in return for the dues charged against them must injuriously affect the character of an important port.

Insufficient provision for the superintendence and management of the lighthouses must result in their deterioration, and in an increase of the dangers of navigation.

I enclose for the information of the Assembly the copy of a letter received from the contractors for provisioning these establishments, from which you will observe that the supplies will be stopped if the outstanding debt be not paid.

The failure to provide for the contingent and unavoidable expenses of unpaid magistrates will necessarily involve a restriction of the administration of justice.

No charitable allowance is proposed to be made for the relief of destitution. It is obviously the duty of a community in which no laws exist for such a purpose to make some provision for the relief of necessitous and afflicted persons beyond the uncertain charity of private individuals.

The naval station of Esquimalt is to be left apparently without a single policeman or a lock-up; and I think the unreasonableness and impolicy of omitting these precautions are obvious in view of the large extent to which Her Majesty's Navy contributes to the prosperity and revenue of the Colony.

The amounts proposed to be voted for stationery, light, fuel, and printing, are wholly insufficient. The proposed appropriation of $250 for stationery for the year 1866 has already been exceeded; and I do not, under existing circumstances, feel justified in sanctioning a further outlay for supply without legal authority to do so.

In addition to the foregoing, I would, before closing this communication, refer the Assembly generally to my communication dated February 2nd, 1866.

In conclusion, I would again earnestly impress upon the Legislative Assembly the paramount importance of finding a practical solution for difficulties fraught with evil to the Colony, and the prolongation of which will probably result in further public injuries which no future action of the Legislature could repair.

I have, &c.,
(Signed) A. E. KENNEDY, Governor.

VANCOUVER ISLAND.

SIR, Downing Street, December 30, 1865.

With reference to my despatch No. 57, of the 11th of October last, transmitting copies of a correspondence with the Treasury and the Post Office, as far as it had then proceeded, on the regulation of the Post in Vancouver Island, I have the honour to enclose for your information the accompanying copy of a further communication from the Treasury.

You will see that the Lords Commissioners of the Treasury feel that there would be great inconvenience in an interference with this subject by the Government at home, and I quite share this feeling.

If the Legislature refuse to pass the laws necessary for establishing a postal system, it will be your duty to exert such authority as, in the opinion of your law officers, you legally possess to supply the want of legislation. But if you should find that your lawful powers as Governor are not sufficient to prevent public inconvenience, it will be better that you should leave the community to suffer the consequences imposed upon them by the legislation or nonlegislation of their representatives than that you should incur the responsibility of any proceedings which are not warranted by law.

I have, &c.,
(Signed) EDWARD CARDWELL.

Governor Kennedy, C.B.,
&c. &c. &c.

SIR, Queen's Market, Wharf Street, Victoria, V. I., July 3, 1866.

A second month's account has now become due to us for supplies to the lighthouse, and there is no apparent prospect of the same being early liquidated. As we have to pay cash for the same, and the remuneration not being adequate to our giving credit, we beg you will be kind enough to make known to us (at your earliest convenience) when we may depend on being paid, before we send the quarterly rations now ordered for Friday next in advance.

We have, &c.,
(Signed) HUTCHINSON & Co.,
Per M. H. MYERS.

P.S.—The two months now due is principally for supplies furnished on April 5th last. There is also a two months account against the Victoria Gaol unpaid.

To W. A. G. Young, Esq., Colonial Secretary.

Encl. 3 in No. 9.

Enclosure 3 in No. 9.

His Excellency the GOVERNOR of VANCOUVER ISLAND.

SIR, Victoria, July 6, 1866.

I HAVE the honour to inform your Excellency that the communication dated 2nd July 1866, and elating to the disordered and cramped condition of the Treasury Department, was duly laid before the Legislative Assembly; and that the Legislative Assembly has passed a bill, and transmitted the same to the Honourable the Legislative Council, authorizing the raising of a loan of ninety thousand dollars, the security therefore being the "General Revenue" of the Colony.

I have, &c.
(Signed) J. S. HELMCKEN.

No. 10.

No. 10.

COPY of a DESPATCH from the OFFICER ADMINISTERING the GOVERNMENT of BRITISH COLUMBIA to the Right Hon. EDWARD CARDWELL, M.P.

(No. 56.) New Westminster, July 14, 1866.

SIR, (Received, August 27, 1866.)

* page 42. YOUR Despatch No. 23,* of the 30th April, directs me reduce the expenditure of the present year to such an amount as may be covered by a revenue calculated on the actual average receipts of the last two years. I have, in my Despatch No. 50, † page 13. explained the causes of the heavy expenditure of the past; I have also informed you that the outlay on public works during the present year has been reduced to the lowest limit. The only manner in which I could carry out the instructions I have received would be in the reduction of the civil list.

2. During the past nine months I have made reductions under this head, amounting to nearly 8,000*l.*; and I am of opinion that considerable reductions may still be made without impairing the efficiency of the public service, but before doing so I should wish to receive instructions, as the chief appointments I propose to abolish are held by gentlemen appointed by the Secretary of State; I mean the Treasurer, the Postmaster General, and the Harbour-master.

3. I propose to abolish the Treasury Department, increasing the staff of the Collector of Customs by one clerk, and entailing upon the head of that Department the light duties now performed by the Treasurer.

The postal service of the Colony in no way justifies the appointment of a Postmaster General. The Registrar General is perfectly capable of undertaking the supervision of the postal department without any extra assistance or remuneration. The appointment of a Harbour-master for British Columbia is one that could hardly have been suggested by any

one conversant with the Colony. The duties, if any, should be performed by the chief revenue officer. VANCOUVER ISLAND.

4. I may add that, should you direct me to make these reductions, there is no possible opening for the employment of these gentlemen in this Colony.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) ARTHUR N. BIRCH.
&c. &c. &c.

No. 11. No. 11.

EXTRACT from a DESPATCH (No. 61.) from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P., dated Government House, Victoria, August 8, 1866. (Received, October 8, 1866. Answered, No. 15, October 31, 1866, page 46.)

"CONTINUING the subject of my Despatch, No. 60,* of this day's date, and previous Despatches, I have now the honour to transmit lengthy Resolutions passed by the Legislative Assembly as a "reply" to my Message, dated 6th July 1866, a copy of which was transmitted in my Despatch No. 50,† dated 12th July 1866.

* Not printed.

† page 13.

The history of these Resolutions, as may be gathered from the newspaper reports contained in my Despatches named in the margin, may be shortly stated as follows:—

Various discussions took place in the Assembly with reference to my Message between the date of the receipt of it (6th July 1866) and the 25th July, resulting, on the latter date, in the adoption of these Resolutions. It appears, however, that on the 27th July 1866 the Assembly agreed to postpone the transmission of these Resolutions to me, sufficient time, as I understand, not having to that hour elapsed for their preparation for that purpose. As I am informed this postponement was resolved upon in the expectation that a proposition then to be brought forward for the formation of a "Ministerial Council" would be adopted, and my concurrence or non-concurrence in that proposition was intended to be made the condition on which the Resolutions should either be finally withheld or pressed forward. The Ministerial Council scheme failed to secure the approbation of a majority of the Assembly, who finally determined on the 7th August 1866 (more than a month after the receipt of my Message) that the Resolutions should go forward.

These facts will enable you to form a true estimate of the value of these Resolutions.

I will now proceed to make such remarks upon the Resolutions, paragraph by paragraph, as may appear needful, premising only that I trust you will acquit me of any intention of imposing upon you unnecessary trouble in the perusal of a lengthy Despatch.

Paragraph 1. You are fully acquainted from previous Despatches with my opinion of the impracticable nature of the Legislative machinery of this Colony.

Paragraph 3. This paragraph contains a serious mis-statement. The Legislative Council consists (by one half, not "the majority") of the four members of the Executive council, the Chief Justice (who is not a member of the Executive Council) and three private individuals. The allegation, that in consequence of the Executive and Legislative Council being "the same," the Legislative Council can reject measures, is inaccurate. The Council, I presume, would have full power to reject measures whatever might be its composition.

Paragraph 4. The statement here given of the anomalous relative position of the three branches of the Local Legislature of this Colony bears out statements I have frequently made. But I only attribute the weary waste of time in the protracted sessions of the Assembly to the true cause, when I assert that it is to be found in the unfitness and incapacity of the large majority of the Members of that body to conduct the affairs even of this small community. The Executive Government, so far from having had the "supreme control," has been at all times grievously and injuriously harassed, hampered, and perplexed by the impracticability of the Legislative machine. I venture to express the belief that the possession of such a "supreme control" would have enabled me to administer this Government with more benefit to the Colony and satisfaction to Her Majesty's Government and myself than I have unfortunately been enabled to do.

Paragraph 5. The "Ministerial Council" herein alluded to would have formed a *quasi* fourth branch of the Legislature, and would in my judgment have been the cause of much greater complications and perplexities than those I have pointed out.

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I believe it was intended thereby to establish responsible government in a form wholly impracticable and unsuited to the population and circumstances of the Colony. The adoption of the recommendation contained in the Despatch of the Secretary of State No. 5, dated 28th February 1856 that the Legislative Council and Assembly should be resolved into one body would I think be a simple and practicable mode of bringing the Legislature into a shape which might be worked.

Vide Despatch No. 48, 26th June 1866, page 9.

Paragraph 6. The Assembly would, if permitted, absorb the whole governing power of the Colony, both executive and legislative. I have already stated the real cause of the protracted sessions of the Legislature.

Paragraph 7. I have furnished such full information from time to time, in relation to the proceedings of the Assembly in regard to the Estimates, as renders much comment on this paragraph unnecessary. I will only remind you that the Assembly has recently had under reconsideration what is termed in this paragraph "the usual provision" and "the usual authority," stated to have been "given five months ago," and that at this moment not only has no Supply Bill been passed by the Assembly, but I am left in ignorance of that reconsideration, of the finality of which I could only be satisfied by the passing of the Supply Bill. I may here mention that the first and principal Appropriation Act for 1865 received my assent on the 30th March in that year, and that the Session of the Legislature in that year was protracted until the 7th of July. I was informed by the Speaker a short time ago that it was seriously contemplated by Members of the Assembly to "tack on" to the Supply Bill other Bills which had been rejected by the Legislative Council, in the hope thereby to coerce the Council into the acceptance of those measures.

Vide Despatch, No. 50, 12th July 1866, page 13.

Paragraph 8. I think I have sufficiently shown in previous communications that "Ways and Means" have not been provided. A statement of the Expenditure of 1866 up to 19th June was furnished to the Assembly on 4th July 1866.

Paragraph 9. I have already informed you of the passing of the Loan Bill in my Despatch named in the margin. The doubt I therein expressed of the possibility of raising the loan in the Colony was but too well founded. Not one cent has been offered. Detailed accounts of Expenditure for the whole of 1865 were furnished to the Assembly as soon as the audit was complete. A sufficiently detailed account of that Expenditure to the 15th of December 1865, prepared by the Treasurer, was presented to the Assembly, with the Estimates, on 20th December 1865. I am credibly informed and believe that the real aim of the Assembly was to obtain even the vouchers of expenditure, in the hope, by a re-audit of the accounts, to discover some serious irregularity on the part of the Executive Government in the disbursement of public monies.

No. 50, 12th July 1866, page 13.

Paragraph 10. This paragraph bears out my remarks on paragraph 7. The Supply Bill for 1865 was passed more than three months before the end of the Session. The argument in paragraph 10 would lead to the conclusion that supplies for any given year ought not to be voted until the end of the year when the actual receipt of Revenue had been ascertained, and that financial legislation should therefore be retrospective, and the authority for expenditure *ex post facto*. I am prepared to give sufficient reasons why "the House was not dissolved," if required to do so.

Paragraph 11. The Address of the House herein referred to was transmitted in my Despatch No. 48, 26th June 1866.

Paragraph 12. I have already placed before you the "demands made by the Executive," and have shown that the Assembly actually voted sums in excess of those demands.

Paragraph 13. This subject has, I think, been treated of sufficiently in previous Despatches. The complaint of the Assembly that that body had no voice in the preparation of the Estimates is a remarkable illustration of its desire to usurp Executive functions.

Paragraph 14. This paragraph commences, in effect, by a condemnation of the proceedings of the Assembly in voting more than the amount proposed to them in the Estimates. Had the Executive Government greater influence or authority in the financial affairs of the Colony, I have no doubt that a saving might be effected in various ways, and at the same time larger sums applicable to works of public utility might be raised without unduly pressing upon any portion of the population. I am aware of the election of only three members "during the last three months," and not "four," as here stated. Of those three, one has invariably supported these Resolutions; the second has as invariably opposed them; and the third I believe to have given

them but a partial and uncertain support. The statement that "the House admits that in many instances the salaries allowed are small," which, I presume, refers to the salaries of public officers, coming from the Assembly, I think I am entitled to regard as the strongest confirmation of remarks I have made on this subject in previous Despatches.

Paragraph 15. It is physically impossible for the Governor of this Colony to perform the duty of his private secretary.

Paragraph 16. The statement here made that the Legislative Council sits much less frequently than the Assembly, I think may be accepted as proof that the latter body is the cause of the protracted sessions of the Legislature. In this paragraph the Assembly again evinces impatience at the wholesome, though unfortunately often unavailing, restraint imposed upon it by the existence of another body clothed with equal and concurrent legislative authority.

Paragraph 17. I believe the reduction of the Treasurer's salary to be in effect a gross breach of public faith. It is without doubt the duty and at the same time the necessity of the Colony to pay the cost of receiving and disbursing moneys on behalf of the public.

Paragraph 18. The same need would exist for cleansing, &c. the public offices, whether detached or concentrated in one building; the latter arrangement would be convenient in other respects, if practicable.

Paragraph 19. The Assembly here merely assert their right to refuse to provide suitable remuneration for the Attorney General, but fail to offer any defence for such a proceeding.

Paragraph 20. However greatly the consummation of the union of these Colonies may be desired, the prospect of it has afforded no adequate ground for refusing to render efficient so important a branch of the public service as the Post Office.

Paragraph 21. I have discussed this subject in previous despatches. The accounts which are examined by the Auditor are those of the Treasurer and other Accountant officers, of whom the Colonial Secretary is not one.

Paragraph 22. The statement that the Registrar General and Assessor "are not appointed under local statutes" appears to be directly contrary to the fact. The two offices were created by local statutes, and by those statutes salaries were in terms fixed for those offices, the incumbents of which were appointed in pursuance of the provisions of those statutes. Under these circumstances the services of those officers have not been dispensed with.

Paragraph 23. The Assembly do not meet the statement in my Message that the amount proposed by the House "for the carrying on of the whole of the public business of the district (of Nanaimo)" is the very inadequate sum of 800 dollars for "postmaster, harbour master, and collector of dues." I have elsewhere dealt with the subject of supplying intoxicating liquors to the Indians.

Paragraph 24. The Assembly affects to be unable to perceive that the effect of refusing to pay any officer to supervise the lighthouses (one distant four and the other 13 miles from Victoria) will be that the necessary superintendence of them must cease, and that in such an event irregularities perilous to shipping may naturally be expected.

Paragraph 25. This statement will not meet the case I put before the Assembly.

Paragraph 26. The mode here indicated of providing policemen at Esquimalt, Nanaimo, and other places, would have been practicable if the Assembly had voted the payment of a sufficient number. As it is, the numbers provided for by the Assembly are not nearly enough for the town of Victoria alone. I need not again enter into the subject of the management of the police and gaol departments.

Paragraph 27. This paragraph may be thus elucidated. The estimates for 1866 were, in December 1865, laid before the Assembly, who, early in the year 1866, reduced the proposed vote for stationery, &c., and have since protracted the consideration of the estimates for so long a period that in answer to an intimation conveyed to them on the 6th July 1866, they were able, on the 8th August 1866, to inform me that "a further sum has been placed on the estimates."

Paragraph 28. This is made up of a series of Resolutions condemning at first the proceedings of the Governor of this Colony, and afterwards both the Governor and his Advisers. Entertaining a sincere belief that the information I have from time to time and at great length furnished to the Secretary of State will have led him to conclusions in reference to myself differing widely from those of the Assembly, I trust I shall not be thought wanting in respect in abstaining from commenting in detail upon these allegations.

In order to render intelligible the complaint of the Assembly that the Governor "refuses to permit public officers to appear before a Select Committee of the Assembly,"

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I will state shortly the facts of the case upon which I presume that complaint is founded. A few weeks since one of the members of the Assembly, Mr. McClure (who has taken an active part in the preparation and passing of these Resolutions), procured the appointment of himself and two other Members as a committee to inquire into the management of the Police department. No complaint of irregularity or mismanagement was made either in or out of the Assembly, nor had any application been made to me for information; and when a summons addressed to the Superintendent of Police and two subordinate members of the force to attend and give evidence before the Committee was submitted to me, I declined to authorize their attendance. This Committee summoned before it several discharged policemen, whom it examined on oath, a proceeding wholly unauthorized either by law or custom. I am not aware that the Committee has been productive of any practical result, no report from it having been made public. I think nothing more demoralizing or injurious to the public service can be conceived than an inquiry into the conduct of any public department without cause of complaint alleged or necessity for investigation shown. Moreover, I knew, as I have stated on a recent occasion, that the condition and efficiency of the Police force had been remarkably improved under the management of the present Superintendent, with very limited means at his disposal.

The Secretary of State is in a better position to judge of the nature of the statements which the Governor has laid before Her Majesty's Government with reference to the Assembly than that body can possibly be. The Assembly, judged by its proceedings alone, cannot appear in a dignified light.

I forbear to make any comment upon the general tone of the Resolutions now transmitted, or upon the language in which they are couched.

Encl. 1 in No. 11.

Enclosure 1 in No. 11.

Vancouver Island, House of Assembly,
8th August 1866.

To His Excellency Arthur Edward Kennedy, C.B.,
Governor, &c. &c.

SIR,

I HAVE to transmit herewith (in duplicate) certain Resolutions in reply to your Excellency's communication, No. 33, dated 6th July 1866, reported from Committee of Supply on the 23rd, and confirmed by the House on the 25th ultimo.

The transmission of these Resolutions was stayed by order of the House, on the 27 ultimo, and directed to be carried into effect by order of the House made yesterday.

I have, &c.
J. S. HELMCKEN, Speaker.

Encl. 2 in No. 11.

Enclosure 2 in No. 11.

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RESOLUTIONS reported from Committee of Supply, 23rd July 1866.

Confirmed by the House, 25th July 1866.

THE Legislative Assembly, having had under consideration his Excellency's communication, No. 33, dated July 6th 1866, thanks his Excellency for the opportunity afforded it of stating the reasons for the course it has pursued during the present session, and of preventing erroneous inferences being drawn from the satements contained in that communication.

In order to do so, the House has resolved:—

1. That it is advisable to show, very briefly, the faulty and impracticable nature of the constitution of the government of this Colony, because, from this source, many of the evils complained of in his Excellency's communication spring.

2. That the Legislative Assembly consists of 15 members chosen by the electors of Vancouver Island.

3. That the honorable Legislative Council is composed of eight members, five of whom, viz. the chief justice, the colonial secretary, the treasurer, the (acting) attorney general, and the (acting) surveyor general, are salaried officers of the Government, the remaining three being also appointees but not holding any salaried officer. The Governor for the time being, and the same official Members who form the majority of the Honorable Legislative Council constitute also exclusively the Executive Council, not one of the Members of the Legislative Assembly having a place therein. It is evidently consequently that (the Executive and Legislative Councils being in reality the same) the Honourable Legislative Council can prevent the passage of all measures displeasing to the Executive, however necessary for the country they may be deemed by the representatives of the people.

4. That such a constitution virtually gives the Executive supreme control, deprives the representatives of the people of their due and legitimate power, and, owing to its denying the usual bond of union

between the Legislative Assembly and the Executive and Legislative Councils so necessary to harmonious legislation, makes the Legislative Assembly an isolated, detached, and, as it were, a foreign body—and thus, instead of the system producing one harmonious whole, it divides the Government into separated and disconnected units. Owing to this peculiar and extraordinary character of the Government, it appears that when any information is desired by the House, it must be sought for and acquired by the tedious, troublesome, expensive, and cumbrous system of applying therefore by letter and receiving written answers in return; much time being thereby lost, public business delayed, and the session prolonged. Questions, too, frequently and suddenly arise to which it is of importance, as well to the country as to the Executive, that answers should be immediately rendered, but the absence of any one capable of giving official information in the House makes this impossible, and thus great complications ensue.

It is considered unnecessary to bring forward any further instance showing the impracticable nature of the government, that being but too apparent.

5. That this House did, in an address to Sir James Douglas, when he was Governor, point out some of the faults and anomalies of the system of Government, and suggested as a remedy that Members should be chosen from the Legislative Assembly as well as from the Legislative Council, and that they combined should form a Ministerial Council, by which means the various isolated portions of the Government would be brought into actual communion and connexion, without which, harmonious action, so necessary to legislation, cannot be expected. Such a system would have suited the requirements of the country, removed much unnecessary odium and responsibility from the Executive, and enabled it, with the advice of the Ministerial Council, to propose and carry measures desired by the people, and suited to the condition of the country, while at the same time it would have afforded a means of supplying the Legislature with much information, vivâ voce, and thus have saved expense, trouble, and delay. Sir James Douglas, however, was at that time upon the eve of retiring from office, and he therefore left the subject for the consideration of his successor, Governor Kennedy, who, however, up to this time has not acted upon the suggestion contained therein, and the system of Government remains as impracticable as ever.

6. From such an anomolous and extraordinary system, comprised of two such incompatible and hostile forces as a representative and despotic power, each one from its very nature endeavouring to enforce its peculiar properties or struggling to defend them, nothing but discord can possibly accrue until one or the other yields. The one to yield must not be the representative power, for it cannot, dare not, prove false to the interests of the people committed to its charge. If a Legislature thus composed should continue in session, not seven months but the whole year, and yet effect nothing, it will not occasion surprise; indeed, thus far nearly every bill originated by this House has either been rejected by the Honourable Legislative Council, or so much altered as to necessitate its rejection by its originators. That the country should suffer in consequence needs no assertion.

7. That this House did nevertheless, immediately after Christmas, take into consideration the "Estimates of Expenditure," sent down to this House on the 20th December 1865, and did, on the 31st day of January 1866, or five weeks after their receipt, forward to his Excellency the Governor by the hand of Mr. Speaker, a copy of the supplies granted for the service of the year, with the request that the Governor would govern the expenditure thereby, and carry out the suggestions of the Resolutions therein contained. Although, therefore, it may be technically correct, that the Legislature has now been more than seven months in session, and up to this late period of the year no legal provision has been made for the expenditure necessary to carrying on the Government, still it is also true that the usual provision was made, and the usual authority for its use given five months ago, and acted upon by the Executive, although to an extent far below the retrenchment required by the House, and demanded by the country.

8. That this house did likewise take into consideration the 'Ways and Means,' and found that the estimates of the income for the year 1866 from existing sources, as transmitted to this House by the Executive, and therefore accepted as correct, would more than cover the Expenditure authorized by the House for the ordinary purposes of Government. Thus, the observation of his Excellency the Governor, that "the Ways and Means needful to meet the Expenditure for the year 1866, had not been provided by the Legislature, though the estimates were laid before the Assembly on the 20th December 1865" can hardly be considered to be "a fact;" moreover, the subsequent embarrassment of the Government has been due, not to the neglect of the Legislative Assembly as insinuated, but to the erroneous calculations made by the Executive of the Income likely to be derived during the year; to the fact of the Expenditure having been much greater than that authorized by the House; and that the Bank of British North America declined to advance any further sums to the Executive. The House cannot indeed understand how it happens that at least eighty-five thousand dollars ($85,000) in cash have been expended during the first six months of the present year, and yet that many public officers should have large arrears due to them, as is stated in his Excellency's communication.

9. That this House did likewise consider his Excellency's communications of the 1st June and 2nd July 1866 respectively, relating to the financial embarrassments of the Government, and did, on the 6th day of July, before it had received his Excellency's communication of the same date, finally pass a Bill to authorize the contracting of a loan of ninety thousand dollars ($90,000) for the purpose of relieving those persons to whom money was due, and for the purpose of paying off the loan of seventy-five thousand dollars ($75,000) contracted by the Governor with the Bank of British North America. That this Bill would have passed earlier, but for the refusal of his Excellency to supply information relating to the Crown Revenues, and that the House had to wait, and wait in vain, for detailed accounts of the Expenditure of 1865, notwithstanding it had been seven months in session.

It was only indeed that the credit of the Colony might not suffer that the House was induced to pass the Bill before the accounts had been examined.

The House deems it to be its unquestionable privilege and duty to examine the accounts in order to learn that the moneys have been applied to the purposes for which they were intended, a refusal to

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grant which can only engender suspicion. Had the House occupied its true position in the Councils of his Excellency it would have been acquainted with these circumstances, injurous publicity would have been avoided, and the Executive would have been relieved of the "heavy responsibility" complained of by his Excellency.

10. That this House, having thus shown that the Executive was supplied, five months ago, with a copy of the Supplies granted, and with the usual authority for the expenditure necessary for the ordinary purposes of Government, and that it did pass measures calculated to relieve the anomalous embarrassment of the Government, is also well aware that the items of the Estimates granted by the Committee of Supply have not yet been embodied in an Act.

The House, in retaining the Appropriation Bill until the end of the Session, has only followed the usual constitutional course; and that course has not been without benefit, for it has been discovered that the Income of the year will fall short of the amount estimated by the Executive, by at least twenty per cent., which, coupled with the fact of the financial Bills of this House having been rejected by the Legislative Council (a circumstance with which the Executive must have been fully acquainted, and yet the House was not dissolved), has compelled the House to adopt the unusual course of reconsidering the Estimates of Expenditure, and has enabled the House to consider the items in his Excellency's communication in connexion therewith.

This course has caused a still greater prolongation of the Session, and may occasion some delay in the preparation of the Estimates for the ensuing year; it is hoped however that that delay may be attended with benefit as well to the Executive as to the country at large.

11. That this House would refer his Excellency to the condition of the Colony at the commencement of this Session, for by that condition, in a great measure, the proceedings of the House were governed and changes were on that account brought into the Estimates. The House, however, does not deem it necessary to dwell now at length upon the causes of that condition, they having been embodied in an Address transmitted to Her Majesty, June 23, 1866.

12. That notwithstanding that condition, the demands made by the Executive for carrying on the ordinary duties of Government, as detailed in the Estimates transmitted to the House in December, 1865, with a promise of a further Supplemental Estimate, were as large as during seasons of the greatest prosperity.

13. The House, convinced that in the altered condition of the Colony such a large establishment as that asked for was not only unnecessary, but that the charge therefor could not be borne by the small number of the people in the Colony, and that, if voted, it could not be paid, was compelled by a sense of paramount duty to reduce the expenditure to such an amount as would enable the probable revenue to meet the liabilities, endeavouring always not to impair the efficiency of the public service. With this object, never lost sight of, certain sums were disallowed as being unnecessary, and certain offices amalgamated, so that the duties could be performed by one instead of two or more officers. A scheme absolutely necessary, quite practicable, and only requiring a little willingness on the part of the Executive to enable it to be successfully carried out.

Had the Representatives of the people had a voice in the preparation of the Estimates, they would not have been sent down with so many objectionable parts, and would not have required so many alterations, but as the House had not a voice in their preparation it could not do otherwise than alter and change them after they had been received, to suit the necessities of the times, for, as it is the duty of this House to provide the "ways and means," it must likewise be its privilege to limit the expenditure.

14. That this House having again considered the "estimates of expenditure" is more than ever convinced of the correctness of its previous proceedings, and now asserts unhesitatingly, that the condition of the Colony, unimproved as it remains, will, not only not admit of any material increase of the sums originally voted, but actually demands a further reduction for the purpose of carrying on the ordinary routine of Government.

Nay, more, this House must seriously urge upon the Executive the absolute necessity for the most rigid economy and for carrying out the desires of the people; otherwise the Colony will be run into debt, the responsibility of which the House will most assuredly not assume.

During the last three months four new Members have been elected who coincide fully with the views of this House, and this proves that the House but echoes the opinions of the public and the well understood wishes of the people. The House admits that, in many instances, the salaries are small, but at the same time the reductions have not been made from choice but from necessity.

It is hoped that the reductions may be of a but temporary nature. It cannot, however, be too often reiterated that the Colony not only does not require, but that it cannot afford to support so extensive and expensive an establishment as heretofore. To run into debt for services of an unproductive nature would be manifestly wrong.

15. The House regrets that it cannot make any special provision for a private secretary, but hopes that His Excellency will consent to bear a little inconvenience whilst the inhabitants of the Colony and the other officers of the Government are suffering so much, and endeavour to make the means allowed perform the necessary work. The session, it is hoped, being now nearly at an end, "voluminous returns" will neither be required, nor will "numerous interrogatories" be addressed to the Governor much longer; at the same time the House is of opinion that the position of Mr. Speaker will not admit of his being made the medium of communication of the Executive, and the House cannot forego its right of obtaining written answers to their communications, written answers being required for the purpose of record.

16. That the assertion that the session of the Legislature extends over the greater part of the year (the cause whereof has been herein-before shown) may be technically true, but it is equally true that neither branch of the Legislature, as a rule, sits more than three times a week (the Legislative Council indeed sits much less frequently), and then only for two or three hours, and those hours generally after noon.

The injury to the public service alleged to result from the heads of departments attending the Legislative Council can therefore easily be remedied, either by their holding their meetings after office hours or leaving the legislation to be performed by the unofficial Members.

It is certainly to be regretted that the heads of departments should also be Members of the irresponsible Legislative Council, but, at the same time, the House does not vote money for their Legislative services or to enable them to reject its Bills, and therefore it is advisable that the salaried officers of the Government should primarily devote themselves to those duties for the performance of which they receive salaries.

The true remedy for this evil, as well as for others complained of, such as "voluminous records and written communications," will be found in a change of the constitution of the Government.

17. Treasurer.—That the House respectfully denies the imputation that the reduction in the Treasurer's salary is a breach of faith on the part of the House because that officer's salary was fixed and paid by Her Majesty's Government for years out of the Crown revenues.

In fact, it is only lately that the House has been compelled to sanction the payment of the salary of that officer out of the General Revenue. If any injustice has been committed, the onus must rest with Her Majesty's Government.

18. Office cleaning.—The House believes that it would be economical, useful, and convenient to have the offices referred to transferred to the main Government building, where there is plenty of room instead of each officer occupying separate and detached premises as at present.

19. Acting Attorney-General.—The House adheres to the provision made for the Acting Attorney-General. Her Majesty's Government, having laid down the principle 'that this Colony must not expect any assistance from Her Majesty's Government towards defraying the ordinary expenses of its Government, will most assuredly in justice admit the necessity of allowing the Colony to regulate its own expenditure.

20. Post Office.—The House does not consider it necessary to pass a Postal Bill on account of the probability of the immediate union of the Colonies of British Columbia and Vancouver Island.

21. Audit of Public Accounts.—The House begs to call the attention of the Governor to the fact that nearly two years ago its deliberate judgment was recorded against the appointment of an Auditor, notwithstanding which his Excellency nominated and caused Her Majesty's Government to sanction the appointment of the Governor's private secretary to that office. The House adheres to its original determination that the Clerk of the House of Assembly should audit the public accounts. By this scheme, not only will the evils prophesied by his Excellency not occur, but on the contrary much goodwill accrue and much annoyance and labour be avoided. The Clerk of the House, as the agent of those who vote the public money, seems to be the proper person to be Auditor, while none could be more objectionable than a Governor's private secretary, who having been acting as Colonial Secretary, is now in fact auditing his own accounts.

22. Registrar General and Assessor.—These offices are not appointed under local statutes, the offices are created by statute, but the incumbents have been appointed in the ordinary manner.

The House, when transmitting the expenditure voted by the Committee of Supply, forwarded also Resolutions amalgamating the office of Assessor with that of Acting Surveyor General, and supplied a clerk; but since that time the Acting Surveyor General has been considered to be more an officer of the Crown than of the Colony, because the lands still belong to the Crown, and therefore the House has now charged the Treasury with the Assessor's duties, and has transferred the clerk from the Land Office to the Treasury. The Registrar of Deeds and Registrar of the Supreme Court were also amalgamated, and a salary voted for the incumbent; the House felt certain that these offices could be combined without at all impairing their efficiency. The House is now surprised to find that the services of the superfluous officers have not been dispensed with.

23. Nanaimo. With regard to Nanaimo the House finds that in the copy of the Estimates transmitted to his Excellency a large amount (about 6,000$) will be found voted for local purposes at Nanaimo in addition to "the inadequate sum of 800$ for postmaster, harbour master, and collector of dues," so that the insinuation that Nanaimo which returns 5,894$ to the revenue only receives 800$ is without foundation, indeed so far from that being the case she actually receives the benefits of the mail steam communication both local and from San Francisco, and the other advantages of the general Government. It is true that the House struck out the salary of a stipendiary magistrate, believing the office and the expenditure to be alike unadvisable. Unpaid justices of the peace exist in his stead.

The House has reason to believe that Nanaimo has not been without a constable and that the population is a well conducted one. Moreover the House has passed a Bill and made provision for the Chief Justice to hold "sessions" at Nanaimo, and a Bill to give Justices of the Peace power to adjudicate in civil cases to a certain amount, so that Nanaimo has actually greater facilities for acquiring both law and justice than heretofore, whilst the means for the protection of life and property are as great as ever.

The House therefore cannot understand how "the consequences of the proposed reduction have been highly detrimental." The law prohibiting the sale of liquor to Indians still remains upon the statute book, and the means of punishing the transgressor have not been diminished, but the House is of opinion that the law to prevent the sale of liquor to Indians is not only futile but injurious and incapable, practically, of being carried out. In theory, of course, it may be made to appear possible to prevent the Indians obtaining intoxicating fluids, but when it is considered that the coast of Vancouver Island is at least 600 miles in length, it will be seen that the prevention is practically impossible, even if the whole of the revenues of the Colony were applied to the purpose, a course entirely out of the question.

24. Lighthouses. The house has voted all the supplies asked for the maintenance of lighthouses, and cannot imagine that the withdrawal of a salary of 500 dollars from the Clerk of the Board of Lighthouse Commissioners, who have only two lighthouses near at hand to look after can possibly increase the dangers of navigation.

25. Charitable allowances.—His Excellency the Governor is authorized by Her Majesty's Government to use portions of the Crown revenues for charitable purposes.

26. Naval Station at Esquimalt.—The House is not unmindful of the benefits conferred upon the Colony by the presence of Her Majesty's Navy at Esquimalt Harbour. If a constable be occasionally required, an occasion probably rare, the Executive can detail a policeman for the purpose, and there is

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no need for voting one specially for the service. This remark also applies to Nanaimo and other places. His Excellency will find that the Estimates make provision for placing the superintendence of the Police and Gaol, and keeping the accounts thereof, upon the Stipendiary Magistrate of Victoria, a duty he formerly performed and can again perform. By this change, those who now act as clerks, &c., will be disposable for police duty, and thus the number of available men will be increased and the efficiency of the service certainly not diminished.

27. Stationery.—The House regrets to find that the liberal sums voted for stationery, &c. have been so soon expended. A further sum has been placed upon the Estimates, and it is hoped that the strictest economy will be used in its expenditure.

28. The House is reluctantly compelled, after much patience and forbearance, to declare that his Excellency Governor Kennedy is acting in a hostile manner to the best interests of the country.

That he has declined and does persistently decline to impart to the Assembly necessary information on matters connected with the public departments and with the expenditure of the public money.

That he obstructs the efforts of the Assembly to reduce the expenses of Government which are far beyond the capacity of the inhabitants to bear.

That he refuses to permit public officers to appear before a Select Committee of the Assembly to give evidence as to the working and management of their Departments.

That he endeavours by unjustifiable statements to place the Assembly in a false and undignified position before Her Majesty's Government.

That his Excellency's management of the Crown lands has been most injurious to the immigrant and aboriginal population of the Colony.

In view of these facts the House cannot, in justice to itself, to the Colony, and to Imperial interests, refrain from expressing its utter want of confidence in his Excellency Governor Kennedy, and his Official Advisers, and the absolute necessity there is for their removal, believing that so long as the present administration lasts the Colony will continue to suffer by the gradual exodus of its population, and Imperial interests will continue to be affected in an injurious manner by the prejudice which the present Government has created against British institutions in the North Pacific.

Ordered, "That duplicate copies of his Excellency's Message, with the reply of the House thereto, be transmitted to the Governor with a respectful request that his Excellency will be pleased to cause one of those duplicate copies to be sent with as little delay as possible to Her Majesty's Principal Secretary of State for the Colonies; and that the honourable the Speaker do transmit a copy of these Resolutions with the Despatch of his Excellency to which they refer, to Her Majesty's Principal Secretary of State for the Colonies."

I have, &c.
(Signed) J. S. HELMCKEN,
Speaker.
R. W. TORRENS,
Clerk of the House.

Enclosure 3 in No. 11.

COMMUNICATION from his Excellency Governor A. E. KENNEDY, C.B., to LEGISLATIVE ASSEMBLY OF VANCOUVER ISLAND. No. 33. Dated Government House, 6th July 1866.

To the Honorable the Speaker and Members of the Legislative Assembly.

GENTLEMEN,

I HAVE the honour to direct the attention of the Legislative Assembly to the following facts having relation to the finances of the Colony.

The Legislature has now been more than seven months in session, and up to this late period of the year no legal provision has been made for the expenditure necessary to the carrying on of the Government, nor have the ways and means needful to meet such expenditure for the year 1866 been yet provided by the Legislature, though the Estimates were laid before the Assembly on the 20th December 1865.

The period of the year will shortly arrive when, according to the rules laid down for my guidance, Estimates of Revenue and Expenditure for the year 1867 should be prepared, and submitted to the Legislature for consideration. Meanwhile, the injury to the public credit of the Colony by the stoppage of payment of just debts of the Government at the Colonial Treasury continues unabated. The communication I addressed to the Assembly on the 1st of June, in which I enclosed a letter from the Bank of British North America declining to make further advances, and stated that I could not incur any further responsibility without the distinctly expressed authority of the Legislature, having as yet led to no practical result; and, as will be seen from the communication I had the honour to address to the House on the 2nd July, in which I called the attention of the House to the fact that two months' arrears were then due to many public creditors, and in which I enclosed a copy of a letter from the Chief Justice in which his Honour indicated the probable necessity of closing the Supreme Court for want of paid officers to conduct the business, further and more serious evils may be anticipated, which can only be averted by the prompt and judicious action of the Legislature.

I cannot consent to bear any portion of the heavy responsibility I should incur by abstaining from again urging the paramount importance of relieving the Colony from its present unfortunate condition of discredit without delay.

I would take this opportunity of recalling the attention of the Assembly to the various votes and resolutions relating to the expenditure of 1866, which, although come to by the Legislative Assembly on the 26th of January last, are yet without the force of law.

The Assembly have refused to make provision for a private secretary or for clerical assistance of any kind for the Governor, and have reduced the staff of the Colonial Secretary's office to one clerk, who is also clerk of the Legislative Council. It follows, therefore, that when the Colonial Secretary and his

clerk are in attendance on the Legislative Council (the session usually extending over the greater part of the year) the public offices are left without a public officer of any kind.

Notwithstanding this state of things, voluminous returns are called for, and numerous interrogatories are addressed to the Governor by the Assembly.

The communications of the Governor to the Assembly, under these circumstances, are necessarily much impeded, and, giving place to other important affairs, will probably, though not without much reluctance on my part, of necessity cease altogether, unless by personal interview with the Honorable the Speaker.

The Assembly have proposed to reduce the salary of the Treasurer by more than 40 per cent., a proceeding which, having regard alone to the circumstances under which that officer accepted public employment, I think cannot be regarded in any other light than as a breach of public faith. The Assembly have also expressed their intention of abstaining from making any provision for a clerk to the Treasurer; the consequence of which would be that, while the Treasurer is occupied with his duties in the Legislative Council, his office will of necessity be closed, both for the receipt of taxes and for the payment of public creditors.

No provision appears to be intended for messenger or office cleaner for the offices of the Colonial Secretary, Treasurer, or Surveyor General; so that their offices will remain unswept, and, during winter, the fires unlit, unless those officers perform the services for themselves, or themselves defray the costs of them.

Her Majesty's Secretary of State has laid it down that, in view of the small salary voted for the Attorney General, he is entitled to the customary fees. But the Assembly have resolved that fees shall not be allowed to him, and have declined to provide salary for his clerk. It cannot be expected that this officer will not only prosecute Colonial criminals gratis, but also at the same time forego his professional opportunities of defending them for probably handsome remuneration.

The Post Office exists without any legal authority to frame regulations or collect revenue, and I must decline longer to incur the responsibility of recognising a department over which I have no legal control. The views of Her Majesty's Government on this subject may be gathered from the accompanying copy of a Despatch from Her Majesty's Secretary of State for the Colonies.

There is no provision made for the audit of the public accounts beyond a proposal to appoint the clerk of the Legislative Assembly to the office of Auditor, to which, for sufficient reasons, I have declined to accede. I have, in a previous communication, assigned a cause for the delay in completing the audit of the accounts for the year 1865. A failure to make due provision for the continuance of this service would have the effect of allowing the public accounts to fall into a state of arrear and confusion, from which they could only eventually be extricated and adjusted by a much larger outlay.

Although the Registrar General and Assessor are appointed under local statutes, by which their salaries are fixed and secured to them, the Assembly practically resolve to make no provision for the payment of their salaries; and their offices, as well as the offices and salaries of the Supreme Court, are left in a state of uncertainty and confusion.

I think it due to the inhabitants of Nanaimo again to draw the attention of the Assembly to the insufficiency of sums proposed to be expended for the requirements of that remote and isolated district, which contains a population of about 800 employed in steady industry, which is the resort of a large tonnage of shipping, and which furnishes the only Colonial export. The revenue directly received from this district in 1865 amounted to no less than 5,896 dollars, besides indirect contributions which cannot be accurately estimated; and the amount which the Legislative Assembly propose for the carrying on of the whole of the public business of the district is the very inadequate sum of 800 dollars for "postmaster, harbour master, and collector of dues," no provision whatever being made for the expenses of the administration of justice or for the protection of life and property. Meanwhile, the consequences of the proposed reduction have been highly detrimental. A town second only in importance to Victoria has, by these measures, been left without proper and sufficient magisterial and police supervision, resulting in the unchecked sale of ardent spirits to the aborigines, and its consequent crimes of violence, and in unrestrained rioting. The depriving the harbour of that due attention from a harbour master which the numerous ships frequenting it have a right to expect, in return for the dues charged against them, must injuriously affect the character of an important port.

Insufficient provision for the superintendence and management of the lighthouses must result in their deterioration, and in an increase of the dangers of navigation.

I enclose for the information of the Assembly the copy of a letter received from the contractors for provisioning these establishments, from which you will observe that the supplies will be stopped if the outstanding debt be not paid.

The failure to provide for the contingent and unavoidable expenses of unpaid magistrates will necessarily involve a restriction of the administration of justice.

No charitable allowance is proposed to be made for the relief of destitution. It is obviously the duty of a community in which no laws exist for such a purpose to make some provision for the relief of necessitous and afflicted persons beyond the uncertain charity of private individuals.

The naval station of Esquimalt is to be left, apparently, without a single policeman or a lock-up; and I think the unreasonableness and impolicy of omitting these precautions are obvious in view of the large extent to which Her Majesty's navy contributes to the prosperity and revenue of the Colony.

The amounts proposed to be voted for stationery, light, fuel, and printing are wholly insufficient. The proposed appropriation of 250 dollars for stationery for the year 1866 has already been exceeded; and I do not, under existing circumstances, feel justified in sanctioning a further outlay for supply without legal authority to do so.

In addition to the foregoing, I would, before closing this communication, refer the Assembly generally to my communication dated February 2nd, 1866.

In conclusion, I would again earnestly impress upon the Legislative Assembly the paramount importance of finding a practical solution for difficulties fraught with evil to the Colony, and the

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prolongation of which will probably result in further public injuries which no future action of the Legislature could repair.

I have, &c.
(Signed) A. E. KENNEDY, Governor.

Vancouver Island (No. 74).

SIR, Downing Street, December 30, 1865.

WITH reference to my Despatch No. 57, of the 11th of October last, transmitting copies of a correspondence with the Treasury and the Post Office, as far as it had then proceeded, on the regulation of the post in Vancouver Island, I have the honour to enclose for your information the accompanying copy of a further communication from the Treasury.

You will see that the Lords Commissioners of the Treasury feel that there would be great inconvenience in an interference with this subject by the Government at home, and I quite share this feeling.

If the Legislature refuse to pass the laws necessary for establishing a postal system, it will be your duty to exert such authority as, in the opinion of your law officers, you legally possess to supply the want of legislation. But if you should find that your lawful powers as Governor are not sufficient to prevent public inconvenience, it will be better that you should leave the community to suffer the consequences imposed upon them by the legislation or non-legislation of their representatives than that you should incur the responsibility of any proceedings which are not warranted by law.

I have, &c.
(Signed) EDWARD CARDWELL.

Governor Kennedy, C.B.
&c. &c.

Queen's Market, Wharf Street, Victoria, V.I.
July 3, 1866.

SIR,

A SECOND month's account has now become due to us for supplies to the lighthouse, and there is no apparent prospect of the same being early liquidated. As we have to pay cash for the same, and the remuneration not being adequate to our giving credit, we beg you will be kind enough to make known to us (at your earliest convenience) when we may depend on being paid, before we send the quarterly rations now ordered for Friday next in advance.

We have, &c.
(Signed) HUTCHINSON & Co.
(Per H. Myers.)

P.S.—The two months now due is principally for supplies furnished on April 5th last. There is also a two months' account against the Victoria Jail unpaid.

To W. A. G. Young, Esq.
Colonial Secretary.

No. 12.

No. 12.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 66.) Government House, Victoria, August 31, 1866.
(Received, October 29, 1866.)

SIR, (Answered, No. 24, November 16, 1866, p. 47.)

IN compliance with the request of the Legislative Assembly of Vancouver Island, I have the honour to transmit certain further Resolutions passed by that body on the subject of union with British Columbia. These Resolutions were passed five days before the Assembly expired by efflux of time.

I do not deem it necessary to occupy your time with any comments upon the value of "Representative Government" as practised in this Colony. The experience of the last two years may, I think, be taken as a fair criterion in regard to the future.

I have, &c.
The Right Hon. Edward Cardwell, M.P. (Signed) A. E. KENNEDY,
&c. &c. &c. Governor.

Encl. in No. 12.

Enclosure in No. 12.

RESOLUTION passed the Legislative Assembly, August 28, 1866.

This House, anxious to see the Colonies of Vancouver Island and British Columbia united under one Government, and relying on those liberal and enlightened principles which now happily govern the relations of Her Majesty's Government with the Colonies of Great Britain, passed, on the 25th of January 1865, a series of resolutions expressing a willingness to submit to any constitution which Her Majesty might be pleased to grant. Having from recent circumstances, however, learned that Her Majesty's Government, contrary to the present colonial policy of Great Britain, contemplated in the scheme for uniting these Colonies a withdrawal of representative Government from Vancouver Island, this House is reluctantly compelled to rescind those portions of such resolutions above mentioned as

might lead Her Majesty's Government to believe that this House, though still desirous of a union with British Columbia, is willing to relinquish representative Government for any advantage that might accrue from such union. And this House expresses its adhesion to the series of resolutions on the state of the Colony passed by this House on the 21st June 1866, and transmitted to Her Majesty. VANCOUVER ISLAND.

2. That his Excellency Governor Kennedy be respectfully requested to transmit the foregoing to Her Majesty's Secretary of State for the Colonies without delay.

(Signed) J. S. HELMCKEN, Speaker.
(Signed) R. W. TORRENS,
Clerk of the House.

No. 13. No. 13.

COPY of a DESPATCH from Governor A. E. KENNEDY to the Right Hon. the Earl of CARNARVON.

(No. 77.) Government House, Victoria, October 1, 1866.
MY LORD, (Received, November 10, 1866.)

I HAVE the honour to acknowledge the receipt of your Despatch, No. 3,* 13th August 1866, transmitting a copy of the Act passed by the Imperial Parliament for the union of the Colony of Vancouver Island with the Colony of British Columbia. * page 44.

Your Lordship may feel assured that I will afford Governor Seymour my cordial co-operation in supporting the policy of Her Majesty's Government in the consolidation of these Colonies which it has been my earnest desire to see effected.

I beg to offer my very grateful thanks for the favourable view you have been pleased to take of my administration of the government of this Colony.

I will place myself at Governor Seymour's disposal as to the time of my departure for England.

I have, &c.
The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) A. E. KENNEDY, Governor.

No. 14.

COPY of a DESPATCH from the OFFICER ADMINISTERING the GOVERNMENT to the Right Hon. the Earl of CARNARVON. No. 14.

(No. 90.) Victoria, Vancouver Island, November 19, 1866.
MY LORD, (Received, January 14, 1867.)

I HAVE the honour to acquaint you that the "British Columbia Act, 1866," has been this day published and proclaimed in this place, in accordance with the terms of the Act; and that therefore, from and after this date, the form of Government existing in Vancouver Island as a separate Colony ceases, and Vancouver Island becomes united with British Columbia, as provided by the Act.

I have, &c.
The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) WILLIAM A. G. YOUNG.

BRITISH COLUMBIA.

No. 15. No. 15.

COPY of a DESPATCH from Governor SEYMOUR to the Right Hon. the Earl of CARNARVON.

(No. 1.) New Westminster, November 20, 1866.
MY LORD, (Received, January 14, 1867.)

I HAVE the honour to report that I landed in Victoria on the 7th instant. Governor Kennedy had left the Colony, and the administration of the Government was in the hands of Mr. Young, the Colonial Secretary. I was received with great coldness, but no disrespect, by a large concourse of people. I regretted to observe a look of extreme depression upon the town and its inhabitants.

2. On the following day I received the addresses from the mayor and corporation and from the fire brigade, copies of which I have the honour to enclose, together with copies of my replies.

3. As I could take no share in the administration of the affairs of the Island until the union of the Colonies had been effected, I proceeded to New Westminster on the 10th

British Columbia.

instant to resume the duties of my office. I met with a most loyal and gratifying reception.

4. I enclose copies of Addresses interchanged with the City Council and Hyack Fire Brigade.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) FREDERICK SEYMOUR.

Encl. 1 in No. 15.

Enclosure 1 in No. 15. of November 20, 1866.

Address presented to his Excellency Frederick Seymour, Governor of British Columbia, by the Mayor and Citizens of Victoria.

We, Her Majesty's loyal subjects, the mayor and citizens of Victoria, beg cordially to welcome you as our Governor, and would also extend our congratulations to Mrs. Seymour on her safe arrival at her new home.

Believing that you desire the wellbeing of every portion of the Colony, and will readily support all measures calculated to promote the general good, we earnestly hope that under the Divine blessing your Excellency's administration may conduce to the growth and prosperity of the united colony.

(Signed) L. Franklin, Mayor, and others.

His Excellency's reply.

Mr. Mayor and Gentlemen,

I receive with much gratitude the address which you have presented to me on my arrival in this Colony. Mrs. Seymour will likewise feel greatly indebted to you for your kind reception. I am fully aware that I owe to your loyalty alone the address I now receive, but I trust the time is not far distant when I may deserve some personal friendship at your hands.

Encl. 2 in No. 15.

Enclosure 2 in No. 15.

Address presented to his Excellency Frederick Seymour, Governor of British Columbia, by the Victoria Fire Department.

May it please your Excellency,

The Fire Department of Victoria beg respectfully to congratulate your Excellency upon your safe return to these shores.

Acknowledging and appreciating as we do the deep interest which your Excellency on all occasions formerly manifested in those institutions having for their object the public good, we feel confident that the new era in our colonial history, about to be inaugurated by your Excellency, will be one of prosperity not only to the united Colonies but to this Department.

Your Excellency will be pleased to learn, that, notwithstanding the obstacles which have unavoidably arisen during the present year, depriving the department of public support, its members, recognizing the fact that the existence of an efficient Fire Brigade was essentially necessary for the protection of the lives and property of the citizens of Victoria, have up to the present time, at their own expense, maintained its organization intact.

Your Excellency may rest assured that this address proceeds purely from a desire to express our loyalty and respect towards one occupying the high position of the representative of our beloved Queen, and we earnestly hope that your Excellency and lady may be long spared to spend many happy days amongst us.

We have, &c.

(Signed) J. C. Keenan and others.

To which his Excellency replied:—

Gentlemen,

I can assure you that I receive with feelings of great satisfaction the address you have been kind enough to present to me. I fully appreciate the sentiments of loyalty to Her Majesty which induced you to give a cordial reception to Her representative. You may depend upon receiving support and assistance so long as I have the honour to administer the Government of this Colony. We meet as strangers. It will be my stedfast purpose to conduct the affairs of the Colony in such a manner that when we part Victoria may believe that she parts with a friend.

Encl. 3 in No. 15.

Enclosure 3 in No. 15.

Address of the Municipal Council, New Westminster, to his Excellency Frederick Seymour, Governor of British Columbia.

May it please your Excellency,

We, Her Majesty's loyal subjects, the president and members of the Municipal Council of the city of New Westminster, would desire to approach your Excellency upon your return from England;

and, in the name of the people we represent, cordially welcome you back to this the seat of your government. While we cannot point to any very great progress made by this city during your Excellency's absence, yet it is a satisfaction to know that some substantial advancement has marked that period, and that the commercial crisis which has overtaken these Colonies has fallen with less severity upon this community.

The past year has been one of peculiar anxiety to us; and your Excellency's opportune presence at the seat of the Imperial Government, at a moment when important constitutional changes in the relations and institutions of these Colonies were taking place, appeared almost providential; and it was with lively satisfaction we observed the deep interest manifested by your Excellency in the welfare of the country.

We confidently accept your Excellency's return as the surest guarantee that the claims and interests of our city will not be overlooked, and that the administration of public affairs under a new condition of things, unsought by the people residing on the mainland, will be such as to advance the general prosperity and promote the permanent interests of the country, and in some measure atone for the very meagre share the people are as yet permitted to have in the management of their affairs.

In conclusion, we again most cordially welcome you to our city, a welcome we also desire to extend to Mrs. Seymour; and we would offer you both our joyful congratulations upon your safe arrival, in the good providence of God, at what we trust may prove an agreeable and happy home. Wishing you every happiness and prosperity, we have the honour to remain your Excellency's most faithful servants.

(Signed) Jno. Robson, and others.

His Excellency replied as follows:—

Mr. President, and Gentlemen of the Municipal Council,

It is with the greatest satisfaction that I find myself among you again, and that I receive the address you are good enough to present.

Indisposition has prevented my judging personally of the president condition of your city. If the somewhat oversanguine expectations of some of my correspondents have not been fully realized, it is at least most gratifying to me to learn that some substantial advancement has been made within the last year. I well know the good feeling, energy, and self-reliance of the people of New Westminster, and sincerely hope that the solid prosperity they deserve may soon crown their exertions.

The time of my absence from you has, I can assure you, not been a mere holiday; and much anxious reflection has preceded the advice, which on matters of great importance to us, it has been my duty to tender to Her Majesty's Government. A desire to promote harmony and good will has been my principal guide in my public actions, and I allow myself to believe that I already see on both sides of the Straits a feeling of friendship growing up between the English communities, whose artificial separation has now but a few hours of existence.

As regards myself, important duties, many of them of a painful nature, are now before me; and I ask of you, and all the colonists from Victoria to Cariboo, a lenient and indulgent consideration of my earlier acts.

I think that you will believe that the interests of New Westminster will not be indifferent to me. I agree with you in the opinion that the share which the people will, for a short time, have in the direct management of their affairs, is not so large as we could desire; but no government over which I preside will ever consider itself above the wholesome control of public opinion.

I can assure you that Mrs. Seymour and myself were greatly touched at the reception accorded to us on our arrival in New Westminster. I would beg you, the representatives of the city, to convey in our joint names to your fellow citizens our very grateful thanks for the cordial welcome we have received.

Enclosure 4 in No. 15.

Encl. 4 in No. 15.

Address of the New Westminster Fire Company to his Excellency Frederick Seymour, Governor of British Columbia.

May it please your Excellency,

We, the officers and members of the Fire Department of New Westminster, desire to offer to your Excellency our warmest welcome upon your safe arrival in British Columbia.

We also beg to assure your Excellency that during your absence we have looked forward with pleasure to your return, assured of its being the arrival of a warm friend, one to whose kindness and fostering care the Fire Department of New Westminster owes, in a great measure, its present state of efficiency; and while we rejoice to receive you once more as our esteemed Governor, the representative of our gracious Sovereign, we trust we may be permitted to offer your Excellency and Mrs. Seymour our earnest and hearty good wishes, with the hope that many years of happiness may be vouchsafed to both.

We have, &c.

(Signed) F. G. Richards,
Chief Engineer, and others.

His Excellency replied as follows:—

Gentlemen,

I thank you very much for your address of welcome. I can assure you that Mrs. Seymour and myself feel very grateful for this manifestation of your kindness, following so closely upon the warm and generous reception you accorded to us on our arrival.

You certainly may rely on my friendly efforts to assist your department in every way I can.

British Columbia.

Although I learn with regret that your services have been in unusually frequent request of late, the accounts I hear of your performances in time of need are most gratifying.

I am very glad to find myself amongst you again, and felt the other night very much as if I was returning to a home.

No. 16.

No. 16.

Copy of a DESPATCH from Governor Seymour to the Right Hon. the Earl of Carnarvon.

(No. 2.) New Westminster, November 21, 1866.

(Received, January 14, 1867.)

My Lord,

I have the honour to state that on the 19th instant, at noon, I proclaimed the Imperial Act 29 & 30 Victoria, chapter 67, simultaneously in Victoria and New Westminster, and thus effected the union of the Colonies.

2. There was no enthusiasm or excitement shown in either town. Yet I believe that in each the prevalent opinion is that a wise measure has been taken by the Imperial Government.

3. I enclose certified copies of the proclamation.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) FREDERICK SEYMOUR.

Encl. in No. 16.

Enclosure in No. 16.

Sheriff's Office, New Westminster, November 19, 1866.

Sir,

I have the honour to enclose herewith, for his Excellency's information, "The Union Proclamation, 1866," which I have (as certified thereon) duly published and proclaimed at noon this day, at the Treasury Buildings, New Westminster, in the presence of the officials whose names are appended to the certificate of proclamation, and a large concourse of people.

I have, &c.

The Hon. Arthur N. Birch, The Colonial Secretary of British Columbia.

J. A. R. Homer, Acting High Sheriff.

Know all men by these presents that I, Joshua Attwood Reynolds Homer, high sheriff of the Colony of British Columbia, and under and by virtue of authority in me in such behalf duly vested, do hereby notify to all Her Majesty's subjects, and whom else it may concern, that I have on this Monday, the nineteenth day of November, in the year of our Lord one thousand eight hundred and sixty-six, duly and publicly read, published, and proclaimed the Proclamation hereunto annexed, by his Excellency Frederick Seymour, Governor of the said Colony, at the Treasury Buildings within the city of New Westminster, in the said Colony of British Columbia, at the hour of twelve at noon.

As witness my hand and seal this nineteenth day of November, in the year of our Lord one thousand eight hundred and sixty-six.

(L.S.) J. A. R. Homer,
Acting High Sheriff for
British Columbia.

The within Proclamation was read and proclaimed, and these presents executed, by the said Joshua Attwood Reynolds Homer, in the presence of—

C. Brew, J.P.
Charles W. Franks, Treasurer.
Henry P. Pellew Crease, Attorney-General.
Arthur T. Bushby, Registrar-General.

Proclamation by his Excellency Frederick Seymour, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies, Vice-admiral of the same, &c.

Whereas by an Act of Parliament made and passed in the session of the Imperial Parliament holden in the 29th and 30th year of the reign of Her Majesty Queen Victoria, chapter 67, intituled "An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia," it was among other things enacted that from and immediately after the proclamation of the above-mentioned Act of Parliament by the Governor of British Columbia, the Colony of Vancouver Island should be united with the Colony of British Columbia and form one Colony in manner in such Act mentioned:

Now, therefore, I, Frederick Seymour, Governor of the said Colony of British Columbia, do hereby proclaim and publish the said Act for the guidance of Her Majesty's subjects and all others whom it may concern, as follows: BRITISH COLUMBIA.

[Then follows the Imperial Act Anno vicesimo nono and tricesimo Victoria Reginæ, chapter 67, "An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia."]

And I, the said Frederick Seymour, as such Governor as aforesaid, do hereby further proclaim and publish that the Colony of Vancouver Island shall, from the proclamation hereof, be and the same is hereby united with the Colony of British Columbia, and the said two Colonies shall, from the proclamation hereof, form and be one Colony, with the name of British Columbia.

And I, the said Governor, do hereby further proclaim and publish that, notwithstanding the union aforesaid, the laws in force at the proclamation hereof in the separate Colonies of British Columbia and Vancouver Island respectively, until it is otherwise provided by lawful authority, shall remain in force as if the said Act had not been passed or proclaimed; save only that the laws relating to the Revenue of Customs in force in British Columbia at the proclamation hereof, shall, until otherwise provided by lawful authority, extend and apply to Vancouver Island; and until it is otherwise provided by lawful authority, the Governor of British Columbia shall have, in relation to the territory for the time being under his government, all the powers and authorities for the time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Her Majesty Customs, with respect to the appointment of warehousing ports, and the approval and appointment of warehouses or places of security in such ports, and everything consequent thereon or relative thereto.

And I, the said Governor, do hereby further proclaim and publish that all and singular other the clauses and provisions of the said Act, shall take full effect in the said Colonies and Dependencies so united as aforesaid, under the name of British Columbia, as and from the proclamation hereof.

This proclamation may be cited as "The Union Proclamation, 1866."

Issued under the public seal of the Colony of British Columbia, at New Westminster, British Columbia, this Seventeenth day of November, in the year of our Lord One thousand eight hundred and sixty-six, and in the Thirtieth year of Her Majesty's reign.

By command.

ARTHUR N. BIRCH,
Colonial Secretary.

God save the Queen.

No. 17. No. 17.

COPY of a DESPATCH from Governor SEYMOUR to the Right Hon. the Earl of CARNARVON.

(No. 4.) Victoria, 21st December 1866.

MY LORD, (Received, Feb. 25, 1867.)

I HAVE had the honour to receive your Lordship's Despatch No. 15,* of the 31st October, placing on record some of the motives by which Her Majesty's Government were actuated in effecting the complete union of Vancouver Island with British Columbia. * page 46.

2. I have forwarded a copy of your Lordship's Despatch to the late Speaker of the House of Assembly, and have caused it to be inserted in the Gazette. I consider it calculated to effect much good in calming local irritation. Vancouver Island is now in a state of great depression, but I believe that most persons are sanguine as to the future of the united Colony.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) FREDERICK SEYMOUR.

No. 18. No. 18.

COPY of a DESPATCH from Governor SEYMOUR to the Right Hon. the Earl of CARNARVON.

(No. 23.) New Westminster, January 11, 1867.

MY LORD, (Received, Feb. 25, 1867.)

I INFORMED your Lordship in my Despatch No. 1,* of 20th of November, that I had been received with great coldness in Victoria, with considerable warmth in New Westminster. * page 27.

2. I considered it advisable to return, shortly after union had been effected, to the former town, and endeavour to remove the suspicion with which my assumption of the

British Columbia.

Government of the island was evidently received. Duties, too, of a very important and far from pleasant nature, required my presence in the capital of the late Colony of Vancouver Island. I had to prepare measures for the amalgamation of the laws of the two sections of the community, to fuse into one two distinct staffs of public officers, and to provide without legislative assistance for many difficult details which it would have been impossible for your Lordship to have foreseen. No Appropriation Act had been passed. The conflict of some of the laws of the two sections of the Colony rendered it necessary for me, in more than one instance, to take very extraordinary powers into my hands. These questions will form the subjects of distinct reports. The Despatch which I am now writing has for its object only to inform you of the improved relations now subsisting between the inhabitants of Vancouver Island and myself.

3. I have the honour to forward :—

1stly. An address presented to me by the new mayor of Victoria, and of my reply.

2ndly. One from the minister and managers representing St. Andrews' Church in Victoria, and my reply.

3rdly. One from the settlers and property holders in the Cowitchan Valley : and

4thly. An Address from the people of Nanaimo.

This last, it will be seen from my letter to the chairman of the public meeting, I could not, under peculiar circumstances, receive in person.

4. Various deputations waited on me in reference to matters of importance, and I hope that the replies I gave were generally satisfactory. Victoria presents every aspect of adversity, yet I think a feeling generally prevails that better days are before us.

5. The British Columbian Customs Act has been extended over Vancouver Island without embarrassment. I have established, in obedience to the instructions of your Lordship's predecessor, a most liberal system of bonding.

6. It may seem perhaps a trifling matter to mention officially, but I would beg leave to state that during my month's stay in Victoria I gave three balls, which were very numerously attended. I do not believe that a single person invited declined to come for political reasons.

7. The Island Press has become moderate in its tone. The "Evening Telegraph," which excelled all other periodicals in invective, has ceased to exist.

8. I enclose, as a sample of the distrust which prevailed in regard to my administration, a memorial respecting the removal of certain public offices, together with my reply.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) FREDERICK SEYMOUR.

Encl 1 in No. 18.

Enclosure 1 in No. 18.

Address presented to Governor Seymour by the Mayor and Corporation of the City of Victoria, Vancouver Island.

May it please your Excellency,

We, the mayor and council of the city of Victoria, Vancouver Island, Her Majesty's loyal and devoted subjects, beg to welcome your Excellency to this city as Governor of the Colony and representative of our most gracious Sovereign Queen Victoria.

We trust that under the guidance and fostering care of your Excellency public confidence will be restored, and that trade and commerce will again be prosperous and flourishing throughout the entire Colony.

We feel that we shall at all times find in your Excellency an able advocate of all measures which may tend to strengthen and support our municipal institutions, and promote the best interests of the city of Victoria.

In offering our congratulations on your Excellency's safe arrival in the Colony, we beg also to extend a most cordial welcome to Mrs. Seymour, and hope that you may both enjoy the blessings of health and happiness.

We have, &c.

(Signed) W. J. McDonald, Mayor,
Richard Lewis, Councillor, and others.

Governor Seymour's Reply.

Mr. Mayor and Gentlemen of the Council of Victoria,

I feel much obliged for your goodness in presenting me with an address of welcome to your city, and fully appreciate the sentiment of loyalty towards our Sovereign which has dictated it.

I fear that so long as gold remains the principal staple of the Colony much more will depend upon the success of the prospector than the skill of the administrator or the wisdom of the law maker; but I may assure you that you may depend upon my most anxious desire to carry out such measures as may appear beneficial to the community at large.

I greatly regret to perceive abundant evidence that the year about to close has not been one of prosperity, yet I allow myself to hope that the present despondency will be dispelled, and a revival of confidence take its place. Though the finances in both sections of the Colony are much embarrassed, I trust that reductions in the public establishments, aided by the daily diminishing demand for expenditure on public works of magnitude on the mainland, may bring matters to a more satisfactory condition.

You may rely upon my constant desire to strengthen and support your municipal institutions, and promote the best interests of the city of Victoria.

Though all that remains of the once complete freedom of your port, I do not think the commerce of Victoria will suffer in consequence, as the most liberal system of bonding will be introduced. I trust that the prosperity of your city, as well as of the Island generally, may be soon promoted by the abolition of a tax on real estates which presses heavily in times of difficulty.

Mrs. Seymour joins me very sincerely in the expression of obligation with which I commenced my reply to your address.

Enclosure 2 in No. 18.

Encl. 2 in No. 18.

Address presented to Governor Seymour by the Minister and Managers of the St. Andrew's Church of Scotland at Victoria.

May it please your Excellency,

We, the undersigned minister and managers representing St. Andrew's Church established in the city of Victoria, and in connexion with the church of Scotland, desire most heartily to congratulate you on your Excellency's present advent amongst us as the representative of our beloved Sovereign Queen Victoria, and as Governor of the United Colonies of Vancouver Island and British Columbia.

The branch of the National Church to which we belong was established by Act of Parliament, at an early date in the history of our Protestant faith, 1560, was solemnly ratified and confirmed by Act of King James VI., 1592, and Act of King Charles I., 1644. During the 300 years of her existence she has been distinguished by her loyalty and moderation, the struggles she has undergone in maintaining a well defined union of the church and state, the illustrious names of those who have taken part in her ministry, and the successful education of a pious, intelligent, and industrious people.

As in duty bound, and as a Christian church, it is our earnest desire, and will be the subject of our constant prayer, that the great Head of the Church, the only source of true wisdom to all rulers, both civil and ecclesiastical, may endow your Excellency with every requisite gift and grace, and abundantly bless your administration of the affairs of the now united Colonies, so that peace, prosperity, and happiness may distinguish the whole course of your Excellency's rule.

That your Excellency may be long spared to fulfil the high functions with which you have been invested with satisfaction to yourself and benefit to the people at large, is the earnest prayer of

(Signed) Thomas Somerville, M.A.
R. Wallace, and others.

Governor Seymour's Reply.

Gentlemen,

I thank you very deeply for the address you, the minister and managers representing St. Andrew's Church of Victoria and in connexion with the Church of Scotland, have just delivered to me.

I am well aware of the history of the Church of Scotland, in whose worship I have often joined with devotion and I trust benefit during my happy visits to the North.

I am well assured of your loyalty to the Sovereign whom I have the honour temporarily to represent in this Colony, and I now trust that loyalty and your Christian spirit will induce you to give me credit for good motives, at least, in the performance of the duties which are before me.

I sincerely join you in the prayer that peace, prosperity, and happiness may flourish within the united Colony.

Enclosure 3 in No. 18.

Encl. 3 in No. 18.

Address from Cowichan.

The following Address from the Settlers, Residents, and Property Holders in the Cowichan Valley was presented on Saturday to the Governor.

May it please your Excellency,

We, the undersigned inhabitants of Cowichan, beg most respectfully to congratulate your Excellency on the safe arrival of yourself and Mrs. Seymour in the Colony, and we trust you may both be preserved in the uninterrupted enjoyment of perfect health, and that your stay among us may ever be regarded with pleasure and gratification.

As inhabitants of the most important agricultural settlement in the Colony, we trust it will suit your Excellency's convenience, at an early date, to afford us an opportunity of giving your Excellency a personal welcome, from which we regret we are by distance at present excluded.

We also trust we may be permitted most respectfully to express our hope that the united Colony of British Columbia and Vancouver Island may, under your Excellency, so steadily increase in popula-

tion and wealth as may afford your Excellency the well-merited approval of success, and give occasion to all under your Excellency's Government to look back upon your administration as the wisely directed commencement of a career of healthy progress, and that this earnest and sincere hope may be fully accomplished, we trust that the blessing of God may attend upon all your counsels.

We have, &c.

(Signed) Wm. Sheldon Reece,
Minister of Cowichan,
and above 50 others.

His Excellency, in replying to the address, said:—

Gentlemen,

It is with great pleasure that I receive the address presented by you on behalf of certain inhabitants of Cowichan. Mrs. Seymour joins with me in cordial thanks to the signers of it. I am sure our stay in the Colony will be attended with pleasure to us should prosperity return to these shores.

I shall have great pleasure in paying you an early but short visit, in anticipation of a more lengthened one at a season of the year less unpropitious to the labour of the farmer.

I sincerely trust that the hope you express that the Colony may increase in population and wealth may be realized. I know no British dependency more favoured by nature, and we want but the establishment of regular steam communication with the Mother country to induce many immigrants to avail themselves of the vast resources of British Columbia. I am not without hope that such communication will be speedily established with the assistance of the Imperial Government.

Believing that the worst days of the Colony are now passing, and that brighter prospects are before us, I shall use every effort to make permanent any improvement that may arise. If I leave the Colony more prosperous than I find it, I shall indeed have cause to look back with satisfaction to the period of my administration.

Encl. 4 in No. 18.

Enclosure 4 in No. 18.

The Inhabitants of Nanaimo to His Excellency Governor Seymour.

May it please your Excellency,

The inhabitants of Nanaimo, in public meeting assembled, beg most respectfully to congratulate your Excellency on your safe arrival as Governor of this Colony, and to express the pleasure and satisfaction it affords us to record your Excellency's visit to this town.

We are pleased of the opportunity which now offers itself, to declare personally to the representative of our most gracious Majesty, our loyalty and attachment to her person and Government; and while we deeply deplore the present unhappy financial condition of the now united Colonies, we cherish the confident hope that your Excellency will adopt such measures as shall restore confidence and give free scope to the capital and wisely directed energies of all; and that the prosperity of the entire Colony will be promoted by your Excellency's able, impartial, and economical administration.

We wish your Excellency and Mrs. Seymour health and happiness, and trust that your Excellency will honour us with frequent visits during your official career.

We have, &c.

(Signed) Robert Dunsmuir, Chairman,
(Signed) Mark Bate, Secretary.

Governor Seymour's Reply.

Gentlemen, New Westminster, December 28, 1866.

I thank you very sincerely for the address you are good enough to present to me.

I regret that circumstances, explained in a letter to the chairman of the public meeting in which the address was framed, prevented my having the pleasure of receiving it personally, and becoming acquainted with the inhabitants of your town.

I believe fully in your loyalty to the Queen, and gratefully accept your congratulations on my appointment as Her Majesty's representative in this Colony.

An extreme pressure of business prevented my paying you more than a few hours visit on a recent occasion, but I trust ere long to have the pleasure of spending a few days among you.

I deeply regret the present financial depression of the Colony, but I think it will pass away. When a brighter day arrives I can assure you that the requirements of Nanaimo will not be forgotten.

Mrs. Seymour joins me in sincere expression of thanks for your address, and hopes to accompany me in my next visit to Nanaimo.

I have &c.

(Signed) Frederick Seymour.

Correspondence relating to the presentation of the Nanaimo Address.

Governor Seymour to R. Dunsmuir, Esq.

Sir, Victoria, December 21, 1866.

I wish formally to express through you my thanks to the inhabitants of Nanaimo who attended the public meeting over which you presided, and framed an address of welcome to me.

I hope that the gentlemen who proposed to form a deputation to present the address fully understood that it was a regard for their comfort alone in the extremely inclement night of last Monday

which prevented my receiving them on board H. M. S. "Sparrowhawk," at the late hour at which the meeting broke up.

Urgent private business prevented the delaying of my departure.

I shall be most happy to receive the address in any manner most convenient to the people of Nanaimo.

I have, &c.
(Signed) Frederick Seymour.

R. Dunsmuir, Esq., to His Excellency Governor Seymour.

May it please your Excellency, Nanaimo, B.C., December 19, 1866.

At a public meeting held at the Court House in this town on Tuesday, December the 18th 1866, after hearing from the chairman that your Excellency wished the enclosed addressed sent through Mr. Franklyn or Mr. Southgate it was resolved by the meeting: "That whereas the chairman of the public meeting last night has reported that the Governor wishes our address to be sent through Mr. Franklyn or Mr. Southgate; it is hereby resolved, that we express our disappointment with this reception, and that under the circumstances we forward the address by mail, with a copy of this resolution."

I have, &c.
(Signed) R. Dunsmuir.

His Excellency Governor Seymour to R. Dunsmuir, Esq.

Sir, New Westminster, December 28, 1866.

I have had the honour to receive your letter of the 19th instant, informing me that at a public meeting held at Nanaimo it was resolved to express the disappointment of the people at the reception which an address proposed to be presented to me met with.

There must be some misapprehension in the matter. You came on board H. M. S. Sparrowhawk at 9 p.m. on the 17th December. It was raining in torrents. The only communication between the ship and the shore was by a plank running from the wharf to the main rigging. Under these circumstances I informed you that I could not think of asking any deputation to meet me on so inclement a night in so comfortless, if not dangerous a manner; that it was absolutely necessary that I should be in Victoria on the following day, and that therefore I would receive the address in any manner most convenient to the inhabitants. I then suggested that it might conveniently come either through Mr. Franklyn or Mr. Southgate. I believe that I further informed you that it was my intention to pay your town a more lengthened visit in the spring.

I deeply regret that a regard for the convenience of the inhabitants of Nanaimo should have been misconstrued into a want of respect.

I enclose a reply to the address.

I have, &c.,
(Signed) Frederick Seymour.

Enclosure 5 in No. 18.

The Public Offices.—Address to the Governor, and Reply.

At a meeting of the citizens of Victoria, held on the 21st inst., it was unanimously resolved that the following address be presented to His Excellency the Governor by a deputation of the following gentlemen:—Mr. H. Rhodes, resident partner of the house of Messrs. Janion, Green, and Rhodes, merchants; Mr. Shephard, manager of the Bank of British North America; Mr J. Robertson Stewart, representing the house of Messrs. Lawrence, Clark, and Joyce, merchants; Mr. J. C. Nicholson, representing Messrs. Dickson, Campbell & Co., merchants; Mr. J. F. McCreigh, barrister-at-law; James Trimble, physician, Mr. C. W. Wallace, merchant; with the selected members of the Legislative Council for the city of Victoria, J. H. Helmcken, Esq., and A. De Cosmos, Esq.

The deputation having waited upon his Excellency yesterday, at one o'clock, the secretary read the address:

To his Excellency Governor Seymour, Governor, &c.

May it Please Your Excellency,—

It being being commonly reported that several of the most valuable institutions of Vancouver Island, among which we may specify the Courts of Law, the Land Office, and the Office for the Registration of Deeds, are shortly to be closed and removed to some other part of the Colony, we have deemed it advisable to appoint a deputation to wait upon your Excellency on this occasion.

We would, in the first place, state that we have not been induced to take this step by motives of idle curiosity, or with the view of embarrassing your government; on the contrary, we beg to assure your Excellency that we shall always be found ready to lend our cordial and earnest support to every sound and just measure having the good of the Colony in view. On the present occasion we feel that our dearest interests are at stake; we, and those whom we represent, have toiled and laboured for years past to build up and promote the welfare of this Colony, and it has become a home for ourselves and families; our fortunes are pledged for its support; we have paid all the expenses of its administration; the public revenue is equal to to its necessary expenditure. We, therefore, can discover no cause for interference with its indispensable institutions.

While for these reasons we do not believe the reports in question, nor that your Excellency could ever seriously entertain such views, or contemplate the enforcement of measures so contrary to the maxims of sound policy, of public convenience, and of the essential wants of a mercantile community, we would respectfully represent that there exists a profound and very general feeling of alarm on the subject, and we have waited upon your Excellency, for the purpose of eliciting an expression of your views, trusting that when made known they may have the effect of removing a prevalent cause of discontent and of quieting the public mind.

We should not have brought this or any other question of domestic policy, properly the business of the Legislature, before your Excellency, had we not been deprived by the late Act of Her Majesty's Government of our constitutional resource and protection, as well as of all power and control in the management of our own affairs; but there is no alternative left, as your Excellency now holds and practically wields the whole legislative power of the Colony.

Chas. W. Wallace, Secretary. Henry Rhodes, Chairman.

His Excellency returned the following reply:—

Gentlemen,—I am glad, since public distrust exists, that you have addressed yourselves directly to me. If the immediate control over the management of public affairs is apparently withdrawn for the present from the representatives of the people, I cannot agree with you that you are "deprived of all power and control in the management of your own affairs." It is not in an English community of the present day that a Government can afford to be indifferent to the wishes of the people.

You say that I practically wield the whole legislative power of the Colony. Unquestionably great powers are temporarily given me in order to bring together communities which ought never to have severed, and to fuse into one two distinct administrative bodies. No one will see with greater relief than myself public duties gradually, but I trust, rapidly devolving on those more directly interested in their performance. As to the mode in which the extrordinary powers for a short time vested in me shall be used, I make no professions. I shall leave the people to judge.

You inquire if the Courts of Law, the Land Office, and the Office for the Registration of Deeds are shortly to be closed and removed to some other portion of the Colony. With regard to the first point a reference to a letter which I recently addressed in reply to a numerously signed petition will show that it is my intention to hold myself aloof from all interference with the administration of justice.

In reply to the second question, I have to state that Mr. Pearse has consented to conduct his present duties during existing financial difficulties at a salary inadequate to his services. Here, also, there will be no change.

Thirdly, the Office for the Registration of Deeds will be continued.

Such are my intentions, and these I will recommend to the favourable consideration of the Legislative Council.

No. 19.

No. 19.

Extract from a DESPATCH from Governor Seymour to the Right Hon. the Earl of Carnarvon, dated New Westminster, January 11, 1867 (No. 25).

(Received, February 25, 1867.)

"I consider the whole Government staff of Vancouver Island abolished by the proclamation incorporating that island with British Columbia.

It seemed somewhat hard, however, urgently as the Legislature had prayed for the extinction of the separate existence of the Island as a Colony, that all the public servants should at once be thrown out of employment. Some were more competent to fill the particular situations they held than those of corresponding designations on the mainland.

Under these circumstances I have considered your Lordship's Despatch of the *14th September 1866, (addressed to me in London,) which authorizes me to effect, subject to your Lordship's sanction, such reductions in the Civil establishment of British Columbia as our financial difficulties may require, as a sufficient authority for me to lessen somewhat the severity of the effect of union upon the Government officers of Vancouver Island. I am selecting the most competent from among the two establishments, and will submit their names for your Lordship's consideration. Many gentlemen, I fear, must lose their offices.

* page 46.

I enclose copy of a circular which I caused to be issued to the public officers of Vancouver Island.

I am proceeding gradually, but firmly, in the difficult task of reducing the public expenditure, and it is probable that every officer of the Government, myself included, will have to make heavy sacrifices in order to relieve the financial embarrassments of our position. It was indeed time that the Colonies were united. On the mainland the Customs receipts alone have fallen upwards of 20,000*l.* below the estimate, and the Island was in such a position as to be unable to meet its liabilities without a change in

the system of taxation or a decided revival of prosperity. I shall submit to your Lordship a return showing the financial position of each section of the Colony on the 19th of November, when the union was effected."

Enclosure in No. 19.

Encl. in No. 19.

Circular Letter to the Heads of the Public Departments of Vancouver Island.

Dear Sir, Government House, New Westminster, November 13, 1866.

You are aware that the office you now hold will be abolished by Act of Parliament, as soon as the proclamation uniting the Colonies of Vancouver Island and British Columbia shall have issued.

Circumstances and financial difficulties will, I deeply regret to say, compel me to effect considerable reduction in the public expenditure, and consequently in the double staff of Government officers now existing in the two Colonies; but I have the permission of the Secretary of State to assure you that the reduction will not fall exclusively on the public servants of Vancouver Island.

The Queen's prerogative of appointment to office is unfettered by the Act to which Her Majesty has assented.

It will be my duty to submit to Her Majesty's Secretary of State the names of those gentlemen whom I may consider best fitted to fill the several public offices which the service of the united Colony may require.

I am not as yet prepared, within a few days of my arrival, to perform the extremely important and painful duty which has devolved upon me. I shall, therefore, feel much obliged if you will continue to fulfil the duties of your office and the employment of your subordinates, until the 31st December 1866.

A bill of indemnity will be laid before the Legislative Council to protect me from the consequences of the unauthorized expense I am now undertaking.

I have, &c.

Published by command, (Signed) Frederick Seymour.

Arthur N. Birch, Colonial Secretary.

No. 20.

No. 20.

Copy of a DESPATCH from Governor Seymour to the Right Hon. the Earl of Carnarvon.

(No. 30.) New Westminster, January 17, 1867.

My Lord, (Received, March 20, 1867.)

I have the honour to report that I have constituted a Legislative Council for the United Colony of British Columbia, as follows:—

2. In obedience to Her Majesty's commands, I have reappointed the Colonial Secretary (Mr. Birch), the Attorney General (Mr. Crease), the Surveyor General (Mr. Trutch), and the Collector of Customs (Mr. Hamley). The office of Treasurer is in abeyance on account of my having been compelled, under circumstances detailed in another Despatch, to relinquish the services of Mr. Franks. On that gentleman's departure from the Colony, I propose as a temporary arrangement, to place Mr. Young, late Colonial Secretary of Vancouver Island, in the office of Treasurer, in order that I may make use of his local knowledge and experience in the Executive and Legislative Councils.

3. I have further appointed on my own responsibility nine gentlemen, whose names are on the commission of the peace, to be members of the Council. 1st, Mr. Wood, late Acting Attorney General of Vancouver Island, to act as Solicitor General during the legislative session, at a rate of salary equal to that which he drew when holding his late appointment. I think his services will be valuable in the amalgamation of the laws of the two sections of the Colony with which I am now proceeding.

2nd. Mr. Henry Ball is one of our ablest magistrates and acted successfully as Colonial Secretary during Mr. Birch's temporary administration of the Government.

3rd. Mr. Chartres Brew is the police magistrate of New Westminster. He possesses fully the confidence of the people, and has frequently been mentioned in terms of commendation by Sir James Douglas and myself.

4th. In the appointment of Mr. Clement Cornwall I sought to represent the agricultural interests and to secure for the Colony the intelligent but unfettered assistance of an English barrister and gentleman of large stake in the country. Mr. Cornwall represented the Yale-Lytton District in the late Council. I regret to say that a pressure of private business will prevent his attendance in Council during the present session.

I hardly know yet whether I shall have to fill up his place. Mr. Cornwall is an unpaid justice of the peace.

5th. Mr. William Cox represents the mining district of Cariboo.

6th. Mr. William Macdonald is the Mayor of Victoria. I have placed him in the position of an independent Member of Council as a mark of the interest I feel in the welfare of our principal town.

7th. Mr. Charles Nicol also comes in as an independent magistrate. He is the manager of the Nanaimo Coal Company, and will, with Mr. Southgate, the popular Member, represent the second town in Vancouver Island and one of our most important branches of trade.

8th. Mr. Peter O'Reilly is the Chief Gold Commissioner of the Colony, and one of the best of our public officers.

9th. Mr. Edward Sanders is the stipendiary magistrate of the Yale-Lytton District, an efficient and respected public officer.

4. I apportioned nine seats to be filled on the recommendation of the people. In this way; five to the mainland, four to the island. The mode of selection was the same as that previously existing in each section of the Colony. On the Island the old franchise was retained and the voters stood on the electoral roll. On the mainland, the selections took place previous to my return to the Colony, and were made by universal male suffrage of the inhabitants assembled in public meeting, Indians and Chinese, however, not being allowed to vote. The following is a list of the gentlemen selected and appointed.

1st. Mr. John Sebastian Helmcken is the late Speaker of the extinct House of Assembly of Vancouver Island. Although a somewhat vehement politician and disposed to consider principally the interests of the town of Victoria, I view his return to the Council with satisfaction.

2nd. Mr. John Robson is the president of the Municipal Council of New Westminster, and ardently devoted to the interests of the town he represents. He is editor of the "British Columbian," a journal of considerable local influence.

3rd. Mr. Joseph Despard Pemberton, late Surveyor General of Vancouver Island, represents Victoria district.

4th. Mr. Joseph Southgate has been selected by the people of Nanaimo. He is a respectable and intelligent merchant of Victoria.

5th. Mr. George Anthony Walkem, a barrister, represents for the 3rd time the miners of Cariboo.

6th. Mr. Robert Thompson Smith, one of our most enterprising miners, has been chosen by the inhabitants of the gold districts of the Kootenay and Big Bend of the Columbia.

7th. Mr. Edward Stamp, manager of any English Saw Mill company, has been chosen by the people of Lillooet.

8th. Mr. Amor de Cosmos, one of the most active of the Victoria politicians, has been selected as second Member for that town.

9th. For Yale and Lytton, Mr. George Wallace, a newspaper editor, was selected. He resigned, and on a new writ being issued, Mr. Francis I. Barnard was selected. I know nothing about Mr. Barnard except that he is the energetic Government contractor for the conveyance of the mails between New Westminster and the Upper Country.

5. It is allowed by general consent that such good elements for the constitution of a Legislative body have never before been collected in these Colonies, and I beg to recommend the Councillors generally for your Lordship's confirmation.

6. I have made the appointments for two years.

7. It is not to be expected that all will pass over quietly in the first session of the combined Legislature of two Colonies whose rivalry has disturbed this coast for many years, yet I allow myself to hope, that no serious obstacles will be placed in the way of the transaction of public business.

I have &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) FREDERICK SEYMOUR.

No. 21.

Copy of a DESPATCH from Governor Seymour to the Right Hon. the Earl of Carnarvon.

(No. 31.) New Westminster, January 21, 1867.

My Lord, (Received, March 20, 1867.)

I have the honour to state that I opened the first Session of the Legislature of the United Colony of British Columbia, on the 24th instant by an Address, copy of which I beg to enclose.

2. I forward likewise copy of the reply made by the Council.

3. Considering the state of antagonism which has so long existed between the two sections of the present Colony, I may say that the work of the Session is progressing satisfactorily.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) FREDERICK SEYMOUR.

Enclosure 1 in No. 21.

Speech of his Excellency the Governor at opening of Legislative Council, New Westminster, January 24th, 1867.

Honorable Gentlemen of the Legislative Council,

I by no means underestimate the importance of the duty which devolves on me to-day of practically giving effect to the Legislative Union of the two British Colonies of the North Pacific. Nor can I avoid feeling the grave responsibility which rests upon me as Governor under the present distribution of power. There is considerable, though I trust temporary, depression existing in several portions of the Colony. There are conflicting interests which time alone can reconcile.

In all Legislative bodies on the English model it is the duty of the head of the Executive Government to state the reasons why such Legislative body has been convened into Session, and this I shall proceed to do.

But first, it is well that I should lay before you the Standing Orders for the conduct of public business. They are prepared in obedience to Her Majesty's command, and vary but little from those previously in force. In deference, however, to the wishes of several Members of Council, I have struck out the order fining members for non-attendance.

I place prominently on the list of the measures which I wish you to pass, Bills of indemnity to my predecessor in office in Vancouver Island and myself for money expended without an Appropriation Act. The circumstances of the case are sufficiently familiar to all, and I have no doubt but that you will legalize acts of supreme necessity.

I shall likewise lay before you a Bill to indemnify me for having omitted to enforce certain provisions of the Vancouver Island Stock Act, 1865, and Schedule D. of the Harbour Dues Act, 1866.

It will be obviously desirable that the laws of the two sections of the Colony should be assimilated with as little delay as possible. I do not feel competent, at present, to propose this complete amalgamation. That may be left to the next Session. At present, I will endeavour to induce you to select from either section such laws as may be best suited to the immediate wants of the community at large. The Vancouver Island bankruptcy law, and that respecting the registration of titles to land might, I think, with advantage be extended over the whole Colony. From the British Columbia ordinances I would select for general adoption those enabling Indian evidence to be received in courts of justice, the law for the prevention of the sale of spirituous liquors to the aborigines, and that for the protection of their graves.

Then I would further favourably recommend for your consideration,—the mining laws as existing on the main land, the postal, joint stock, trustees' relief, currency, game protection ordinances, and that for the distribution of the estate of intestates. These have worked well in British Columbia, and it seems to me that we might beneficially extend their operation. A Bill or Bills for the purpose shall be laid before you.

As it is proposed to place the Crown lands of Vancouver Island under the control of the Legislature of the United Colony, as soon as suitable provision has been made for the public service, I shall lay before you a Bill authorizing the Governor to extend by proclamation the provisions of the present British Columbia Land Ordinance over the entire Colony, as soon as a satisfactory re-conveyance of the Island from the Hudson's Bay Company to the Crown shall have been made.

A Bill shall be laid before you to amend the Act giving certain powers to the municipality of Victoria.

The estimates of revenue and expenditure are prepared, and shall be laid before you at an early date. I deeply regret to have to state, whatever is well known to you, that the finances of both sections of the Colony were in a very unsatisfactory condition at the time that the union took place. Full information as to our exact position shall be laid before you, and I think you will agree with me, without examining into the question as to which of the two late colonies most required the support of the other, that union and the consequent large reduction of expenditure came none to soon. But gloomy as our present position may be, I think we can look to the future with confidence if we work faithfully together for the public good, merging as far as may be all sectional or local interests in a desire to promote the general welfare.

British Columbia.

The estimates are prepared to meet the present condition of things. They will be found, in the aggregate, to apply for a smaller sum than has for some years past been voted for the service of the main land alone. As a general rule, with one exception, to which I shall presently refer, all salaries have been reduced, from my own downwards. Though I, for one, do not find labour, responsibility, or expenditure diminished by the union of the colonies, other public officers whose salaries are guaranteed to them by law have cheerfully consented to submit to a temporary deprivation in the desire to help the Colony in its present emergency. The exception to which I refer is that of the Judicial Department. It is obviously desirable to avoid any discussion between the Executive Government and the judges in regard to the emoluments of the latter.

While deeply regretting the reductions that I am compelled to make, I must place on record, in the most public manner, my opinion that the great majority of the public servants who now suffer are fully entitled to salaries such as they drew last year. I trust that we may regard the present one as of exceptional embarrassment, and that better times may soon lead to a more satisfactory Appropriation Act. It is to the amalgamation, however, of offices rather than to the reduction of salaries that we must look for our future economy, and I shall earnestly recommend to the Secretary of State the removal to other colonies of some of our public officers. The case of those gentlemen who, through no fault of their own, lost office on the day of union, shall likewise be brought under the same consideration.

You will find from the estimates that I do not propose to undertake any public work of magnitude during the year. None are in progress on the main land; one of secondary importance and moderate expense on the Island approaches completion. The more pleasing task of improvement must be left for another year. It will be sufficient if for the present we keep our great road system in repair. I shall be glad if you will express an opinion on two points of importance. What is to be done with the dredging machine now lying in Victoria Harbour, and the steam vessel built in connexion with it? Do you consider it desirable to keep up a Government Assay Office? On this latter question I cannot act without the sanction of the Secretary of State. The department was constituted in England, at the request of the Colony, and has principally been managed by directions from the Lords of Her Majesty's Treasury. I must further await a decision as to the disposal of the public officers who conduct the department. Selected at home and proceeding to the Colony on the faith of permanent employment, having always admirably conducted the business of the office, I cannot imagine that they will be losers by any opinion you may express.

Great as is the present temporary financial embarrassment, justice requires the abolition of some of the taxation still existing in the late Colony of Vancouver Island. The real estate tax must be repealed, and the whole taxation assimilated throughout the Colony. Bills having these objects in view shall be laid before you early in the Session.

The Customs Act requires re-consideration. A Bill to amend it shall be laid before you.

Such are the principal measures which the Government proposes to introduce during the present Session. I feel that I have called you together somewhat late in the season; and as there are many matters of vital importance to be dealt with, I will not impede your progress by any measure which can be deferred. The Standing Orders, however, provide for the initiation of Bills by any Member of Council who may be desirous of doing so.

I shall address you, by Message, on the subject of education and a few other topics of importance during the course of the Session. One of these will probably be as to the cause of the selection made for the seat of Government of the united Colony. Up to within a few hours of meeting you, I had not the intention of touching upon it, but I am informed that the question creates an amount of interest which I cannot comprehend, but which appears to me a sign of great local depression. I shall address you on the subject by Message.

And now, before leaving you, let me express my confidence that better days are yet in store for us. The heavy cloud of adversity which hangs over the South lightens as we proceed Northward, and no winter has yet seen a more numerous and contented mining population than that which is now working on our gold creeks.

I shall watch with much interest your proceedings in the Session I open to-day. Grave and important duties are confided to our hands, and I firmly believe that they will be fairly dealt with. Trusting that the blessing of the Almighty may rest upon the efforts we are about to make to promote the welfare of the magnificent territory He has temporarily committed to our charge, I now leave you to your deliberations.

Encl. 2 in No. 21.

Enclosure 2 in No. 21.

Reply of the Legislative Council.

To his Excellency Frederick Seymour, Governor and Commander-in-Chief of British Columbia and its Dependencies and Vice-Admiral of the same, &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of British Columbia, have received with pleasure the speech with which you have honoured us.

We are fully sensible of the arduous and important duties devolving upon your Excellency at this critical period in the history of the Colony; and we shall not fail on our part to render every assistance in carrying out all measures calculated to promote the public welfare.

The Acts of Indemnity referred to by your Excellency, and the Bills amalgamating the laws of the Colony, shall receive our most careful consideration.

We are gratified to learn that the Crown Lands of Vancouver Island are to be placed under the control of the Legislature. We trust that the reconveyance of the Island will be consummated with as little delay as possible, and that it will be followed by a general land system, so liberal as to encourage immigration and settlement, and to foster our agricultural interests.

Conscious of the financial embarrassment of the Colony we learn with satisfaction that your Excellency has caused the Estimates to be prepared with the strictest economy compatible with the efficiency of the public service.

Your Excellency having drawn the particular attention of the Council to the Assay office, and to the dredging machine and steamer, we venture to assure you of the earnest consideration with which these subjects shall be treated by the Council.

We desire to express our entire concurrence in the proposed measures for the repeal of the Real Estate Tax in Vancouver Island, and for the assimilation of taxation throughout the Colony.

We shall look forward with anxiety to the Messages which your Excellency has been pleased to promise us upon the important subjects of Education and the Seat of Government.

We are fully alive to the serious responsibilities which rest upon us in the discharge of our duties during the ensuing Session, and we beg to assure your Excellency that the task imposed upon us will be cheerfully undertaken, that the interests confided to us will be carefully guarded, and that in the promotion of all measures conducing to the advancement and prosperity of the Colony, your Excellency will meet with our most cordial co-operation. With your Excellency also, we venture to hope that the days of depression may soon pass away, and we confidently look forward to the wisdom of your Excellency's administration to stimulate industry, restore confidence, and dispel the present gloom, fervently trusting that under the guidance of Divine Providence, your Excellency's efforts may be crowned with success.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to THE OFFICER ADMINISTERING the GOVERNMENT of BRITISH COLUMBIA.

(No. 23.)

SIR, Downing Street, April 30, 1866.

IN connexion with the Appropriation Ordinances passed by the Legislature of British Columbia, No. 18 of 1864, and No. 9 of 1865, upon which I have in another despatch of this day's date signified to you Her Majesty's decision, I have the honour to forward to you herewith a copy of a letter which has been received from the Board of Treasury.

This letter enters fully into the financial condition of the Colony for the years 1864 and 1865, and adverts generally to the financial policy pursued by the local government.

In the observations of their Lordships I must express my entire concurrence, and I beg that the future proceedings of your Government in its financial arrangements may be regulated in accordance with the views which their Lordships define.

I observe from the returns which accompanied your Despatch No. 11 of the 12th of February last that the debt due by the Government of the Colony to the Bank of British Columbia was on the 1st of January last 33,675*l.*, whereas in January 1865 it was 27,209*l.* I call your attention to this fact, as it is evident that the expenditure of the Colony has been continued throughout 1865 at a rate out of all proportion with the resources at its disposal. It is apparent also that, notwithstanding the experience of previous years, the error has been again committed by the Colonial authorities of over-estimating the revenue of 1865.

I have, therefore, to instruct you that the expenditure of this year must be reduced to such amount as may be covered by a revenue calculated on the actual average receipts of the last two years, and that any further large expenditure on new roads and works of that nature must be postponed until the resources of the Colony will admit of their being undertaken with less pressure on its finances.

I have, &c.

To the Officer administering the Government of British Columbia. (Signed) EDWARD CARDWELL.

Enclosure in No. 1.

Encl. in No. 1.

SIR, Treasury Chambers, April 19, 1866.

The Lords Commissioners of Her Majesty's Treasury have had under their consideration your letter of the 15th November last, enclosing with other papers the report of the Auditor General of British Columbia on the accounts of that Colony for the year 1864.

Their Lordships have also had before them the Colonial Office letter of the 20th ult., forwarding certain enclosures which should have accompanied your letter of 30th September last, transmitting for the approval of this Board an Ordinance, No. 9 of 1865, to apply the sum of 225,946*l.* 12*s.* 8*d.* to the general service of the Colony for that year.

My Lords desire me to state, for the information of Mr. Secretary Cardwell, that they will not further defer their assent either to the Ordinance No. 18 of 1864, or to the Ordinance No. 9 of 1865; but they think it necessary to add that they give this assent more because of the inconvenience of withholding their sanction from an expenditure already incurred, than because they are satisfied that the expenditure has been prudently undertaken.

My Lords observe, from the report of the Auditor General, that though the Revenue Ordinances, No. 3 and 18 of 1864, appropriated 195,716*l.* to the service of that year, the actual expenditure was 160,350*l.*

The revenue of that year actually received was, however, only 104,865*l.* against an "estimated" revenue of 120,000*l.*, leaving a deficiency of 55,485*l.* to be met, according to the statement of the Auditor General, out of the loan of 100,000*l.* authorized to be raised under Ordinance No. 7 of 1864.

This loan was not raised till April 1865, and then produced less than 94,000*l.*; and, in consequence of the late period at which it was raised, the expenditure of the years 1864 and 1865, which was mainly regulated by that loan, has become in some degree mixed up.

Their Lordships apprehend that it may be ultimately found that some portion of the deficiency of 1864 may have been met by balances on the loan of 1863; but they have no sufficient information before them to enable them to come to any clear understanding on that point.

Accepting, therefore, the statement of the Auditor General, that the whole of the deficiency of that year had to be met from the loan raised in 1865, it seems to my Lords, that if, of the liabilities of the

Colony at the close of 1864, as set forth in the statement which accompanied the report of the Auditor General, those are taken which it was necessary to meet in 1865, and some of which are directly provided for in the estimates of that year, an approximate notion may be formed of the probable financial condition of the Colony at the close of 1865, supposing that the actual expenditure, within the Colony, of the different Departments for that year, is actually incurred.

These liabilities appear to be as follows, viz.:—

	£
Redemption of bonds	6,400
Bills on agents in anticipation of loan raised in 1865	26,300
Debt due to Bank of British Columbia	27,210
Interest due to Bank	559
Drawback and refunds	550
Balance due to agents on 31st December 1864	2,350
Approximate expenditure of 1864 not brought to account until 1865	22,000
Total	85,369
But to these liabilities must be added (the amount falling due within the year 1865 as interest and sinking fund on the loans of 1862, 1863, and 1865).	22,000
Making a total liability of	107,369

to be met in 1865, irrespective of the actual departmental expenditure within the Colony.

My Lords turn now to the estimates of revenue and expenditure transmited for the year 1865, and they find that the revenue was estimated to produce 153,615*l.*

From the fallacious nature of the estimate for 1864, my Lords would have been disinclined to admit the prudence of an estimate, which calculated on a rise from 104,865*l.*, the actual receipts of 1864, to 153,615*l.* in 1865.

They observe, however, in the Return of Receipts and Disbursements of the Colony which accompanied the Colonial Office letter of 11th January last, that the Return of the regular revenue from taxes and duties for the second quarter of the year was 39,511*l.* It is possible, therefore, that although the return for the previous quarter appeared to be so unfavorable, the expectations as regards the revenue may in that year have been fulfilled; and if such should be the case, my Lords readily admit that it would be the best and most satisfactory justification for the loan policy which has been sanctioned as regards this Colony.

Admitting, therefore, though with considerable doubt, the correctness of the estimate of revenue, the amount applicable to the charges of the year 1865 will consist of—

	£
Revenue	153,615
Loan of April 1865	93,931
Due by Her Majesty's Government on account of regimental pay account	2,937
Advances unaccounted for	11,772
Total	262,255

On referring to the abstract of the estimated expenditure for the year, it appears that the amount to be expended by the departments within the Colony, as per items 1 to 12 inclusive, and item No. 15, is in round numbers 160,000*l.*; and if to this be added the liabilities as stated above, it will appear that the charges for the year will be 267,369*l.*, as against resources amounting, under the most favorable circumstances, to only 262,255*l.*

My Lords are aware that the estimates of the year were framed previous to any intimation of the actual produce of the loan of April 1865; and they hope, from the terms of the Governor's despatch of 16th May 1865, that some portion of the estimated expenditure on roads, &c. will at least have been postponed until information was received as to the produce of the loan.

At all events, that loan is now exhausted, and the financial affairs of the Colony will, during the current year, have to be conducted without the extraneous assistance which has of late years been received, and there will be in consequence a better opportunity of judging what its financial condition now is.

With the interest and sinking funds of the colonial debt, amounting already to over 20,000*l.* a year, my Lords would hesitate before they could sanction for the present any further extension of the loan system; and they think that the Governor should be instructed that the expenditure of this year must not be based on the supposition that he is again at liberty to incur a portion of it on the prospect of any new loan; and he should be warned as strongly as possible against that hasty and sometimes ill-considered expenditure which a loan policy is apt to encourage, but the continuance of which on the cessation of such policy is seldom prevented without more than ordinary care.

My Lords prefer to deal thus generally with the expenditure of British Columbia during the two years in question, partly on account of its being at this time a matter of the past, and partly because they expect that that of the current year will afford better material for an opinion as to the financial condition of the Colony. Their Lordships, however, request that they may receive as early as possible a full statement from the Governor of the actual receipts and disbursements within the year 1865, together with a full account of the liabilities of the Colony at the close of that period.

I am, &c.

Sir F. Rogers, Bart. &c. &c.

(Signed) Hugh C. E. Childers.

VANCOUVER ISLAND.

No. 2.

No. 2.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor KENNEDY, C.B.

(No. 3.)

SIR, Downing Street, August 13, 1866.

I HAVE the honour to transmit to you a copy of the Act passed this Session by the Imperial Parliament for the union of the Colony of Vancouver Island with the Colony of British Columbia.

You are aware that the plan of uniting the two Colonies has been for some time under consideration. It was the wish of the Duke of Newcastle to have effected this measure; and though his Grace deferred to the public feeling which prevailed against union, he entertained little doubt that the force of circumstances would, at no distant period, cause a change of opinion in the minds of the reflecting and intelligent members of the community. This opinion has been fully realized. During the years 1865 and 1866 applications have been formally addressed to Her Majesty's Government by the Legislature of Vancouver Island, praying to be united with British Columbia; and my predecessor in this office, who for two years had carefully watched the course of events in both Colonies, was satisfied, not only that this union would prove advantageous to both Colonies, but that it had become indispensable. Mr. Cardwell, therefore, introduced a Bill into the House of Commons for this purpose, which, after careful consideration, was adopted by Her Majesty's present Advisers, and has now received the sanction of Parliament. You will perceive that the third clause of the Act imposes on the Governor of British Columbia the duty of proclaiming the law when Vancouver Island will cease to be a separate Colony, and your own functions as its Governor will unavoidably determine. I regret much the unfavourable effect which this measure will have upon your interests. And I regret it the more because I am aware that your conduct in the administration of a government which has been by no means free from difficulty has been distinguished by good judgment, and has uniformly obtained the approbation of my predecessor.

I am confident that, so long as you retain the government of Vancouver Island, from which I am thus reluctantly obliged to relieve you, it will be your endeavour to support the policy of Her Majesty's Government, and to facilitate by all means in your power the consolidation of Her Majesty's Colonies in the Pacific under one effective government.

I have, &c.

Governor Kennedy, C.B. (Signed) CARNARVON.
&c. &c.

Encl. in No. 2.

Enclosure in No. 2.

IMPERIAL ACT, 29 & 30 Vict. c. 67.

[Not reprinted.]

No. 3.

No. 3.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor KENNEDY, C. B.

(No. 6.)

SIR, Downing Street, August 21, 1866.

* page 6.

I HAVE the honour to acknowledge the receipt of your Despatch No. 45,* of the 26th June, respecting the financial position of the Colony under your government.

The difficulties to which you refer will, I trust, be removed by the proposed union of Vancouver Island to British Columbia.

I have, &c.

Governor Kennedy, C.B. (Signed) CARNARVON.
&c. &c.

No. 4.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor KENNEDY, C. B.

(No. 7.)

SIR, Downing Street, August 22, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 43,* dated the 16th June last, enclosing a memorial addressed to my predecessor by the Legislative Assembly of Vancouver Island, praying that certain clauses in British Columbia Customs Duties Ordinance, No. 3 of 1865, may be disallowed by Her Majesty's Government. * page 2.

I have to request you to inform the memorialists that the Governor of British Columbia has been apprised by a recent Despatch that Her Majesty will not be advised to confirm the Ordinance No. 3 of 1865 in its present form;—although the matter will cease to be of importance to the inhabitants of Victoria when the Island and the mainland form part of the same Colony.

I have, &c.

Governor Kennedy, C.B. (Signed) CARNARVON.
&c. &c.

No. 5. No. 5.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor KENNEDY, C.B.

(No. 8.)

SIR, Downing Street, August 22, 1866.

I have the honor to acknowledge the receipt of your Despatch, No. 46,* of the 26th June, enclosing a memorial addressed to my predecessor by the Legislative Council of Vancouver Island, praying that the British Columbia Ordinance No. 3 of 1865 may be disallowed. * page 8.

I have in reply to refer you to my Despatch, No. 7, of to-day's date, from which you will learn that that Ordinance will not be submitted for Her Majesty's confirmation in its present form.

I have, &c.

Governor Kennedy, C.B. (Signed) CARNARVON.
&c. &c.

No. 6. No. 6.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor KENNEDY, C.B.

(No. 10.)

SIR, Downing Street, September 12, 1866.

I HAVE the honor to acknowledge the receipt of your Despatch, No. 50,* of the 12th July last, enclosing correspondence on the subject of the Bill, authorizing a loan of £90,000, which has recently passed the Legislature of Vancouver Island. * page 13.

I regret that the Assembly has neglected to provide ways and means for the expenditure of the Colony, and has preferred adopting a Bill for defraying the indispensable public services by means of a loan to be raised at the high annual interest of 12 per cent.

Such a course appears to me to be objectionable in the highest degree, but it is to be hoped that after the union of Vancouver and British Columbia, the united Government may devise some more legitimate and fitting manner of providing for the public wants.

I have, &c.

Governor Kennedy, C.B. (Signed) CARNARVON.
&c. &c.

VANCOUVER ISLAND.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor SEYMOUR.

SIR, Downing Street, September 14, 1866.

* page 16. I HAVE the honor to transmit to you a copy of a Despatch* from Acting Governor Birch, proposing certain reductions in the civil establishments of British Columbia.

You have my full authority upon your return to your government to effect, subject to my sanction, such reductions as appear to you to be demanded by the financial state of the Colony, and to be consistent with the efficiency of the public service.

I have, &c.

Governor Seymour, &c. &c. (Signed) CARNARVON.

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor KENNEDY, C.B.

(No. 15.)

SIR, Downing Street, October 31, 1866.

I HAVE received from time to time a considerable number of Despatches and other communications as noted in margin, relating to the constitution of Vancouver Island, and to the union which has been long proposed between that Colony and British Columbia. In acknowledging them, I think it advisable to place on record, in some degree, the motives by which Her Majesty's Government have been actuated in taking steps for the complete union of the Colonies.

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No. 44, 22nd June 1866.	3
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Telegram from the Assembly, 20th June 1866, page 1.	

So long ago as the 15th of June 1863 I observe that the Duke of Newcastle expressed his conviction that the Colonies ought to form one Government. But this course was open to three strong objections :—

First, it was opposed to the prevalent feeling on the spot :

Secondly, the formal grant of representative institutions was impossible in British Columbia, while they already existed in and could not be withdrawn from Vancouver Island except by a strong exercise of Parliamentary power, or by an intimation on the part of that Colony that it was willing to place itself in the hands of Her Majesty's Government :

Thirdly, the commercial policy of Vancouver Island was opposed to the imposition of Import Duties, on which the Government of British Columbia was obliged to rely for its revenue.

But for these objections the Duke of Newcastle considered, and indeed no reasonable person could doubt, that the interests of the Colonies, whether in point of economy or in point of administrative efficiency, required that they should be consolidated under one Legislative and one Executive Government.

Such were the views of the Home Government in 1863. On the 2nd March 1865 the difficulty hitherto existing was disposed of by the Assembly of Vancouver Island declaring by Resolution that "the immediate union of this Colony with British Columbia, under such constitution as Her Majesty may be pleased to grant, is the means best adapted to prevent permanent causes of depression, as well as to stimulate trade, foster industry, develop our resources, augment our population, and increase our permanent prosperity."

Later, on the 13th of December 1865, the same Assembly "endorsed" these Resolutions ; but while expressing their preference for Representative Institutions, and apparently for what is called Responsible Government, repeated their conviction that the immediate union of Vancouver Island and British Columbia was necessary beyond any other measure to impart confidence to the public mind, and to place both Colonies on a prosperous footing. They also referred to the willingness which they had already shown to accept whatever constitution Her Majesty's Government might be pleased to grant.

These Addresses, adopted by the Legislature at an interval of nearly a year, must plainly be taken as representing the deliberate opinion of the community in favour of union, even at the sacrifice of their representative institutions, and though it is true that certain of the inhabitants of Vancouver Island were evidently opposed to the imposition of Import Duties in that Island, yet it is evident that, if union was to be effected, the

imposition or removal of those duties must remain a question for the decision of the United Legislature. It must be supposed that the Assembly accepted this obvious consequence of their own request.

Thus the difficulties of consolidation, as far as regards Vancouver Island, were wholly removed, and on terms to which no reasonable objection could be raised on the part of British Columbia. Under these circumstances, Her Majesty's late Government introduced a Bill into Parliament with that object, and that Bill was subsequently adopted and carried on by me. When that Bill was passing through Parliament some Resolutions (unaccompanied by any report from the Governor of the Colony) were received by telegraph, which had been passed in the month of June by the House of Assembly, and which, though they reasserted the vital necessity of union, prayed that this union might take place under a certain constitution, which would be representative in its general character, but the terms and conditions of which were very loosely specified. The Assembly, however, did not specifically withdraw the original pledges of January and December 1865, and they impressed on the Secretary of State the injury which was inflicted on both Colonies by the then existing state of uncertainty.

Even in the absence of explanations from the Governor, it was evident that these expressions of opinion did not justify Her Majesty's Government in delaying for another year the union which the Assembly had consistently, and in the opinion of successive Secretaries of State correctly, pronounced indispensable, and in protracting the uncertainty which they had declared to be injurious.

The Bill, therefore, was carried through Parliament, and may, perhaps, have resulted in the union of the two Colonies before this Despatch can reach its destination.

That union will render it unnecessary for me to enter on a variety of subjects which are treated of in the Despatches and letters now under acknowledgment; but I have thought it necessary to furnish you with this explanation of the proceedings of Her Majesty's Government, lest they should be thought to involve any want of consideration for the then existing Legislature of Vancouver Island, or should be attributed to any other motive than the desire to complete with promptitude an arrangement I believe to be not more in accordance with the main interests of the two Colonies than with their wishes, and to terminate a state of uncertainty of which I am convinced the mischief is not overstated by the Assembly of Vancouver Island.

I have, &c.

Governor Kennedy, C.B., &c. &c.

(Signed) CARNARVON.

No. 9.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Governor Kennedy, C.B.

(No. 24.)

Sir, Downing Street, November 16, 1866.

I have the honour to acknowledge the receipt of your Despatch, No. 66,* of the 31st August, transmitting a further Resolution of the Legislative Assembly relating to union with British Columbia.

* page 26.

I shall best answer this communication by referring you to my Despatch, No. 15,† of 31st of last month, in which I expressed myself fully on this subject.

† page 46.

I have, &c.

Governor Kennedy, C.B., &c. &c.

(Signed) CARNARVON.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

REFORM CLUB PALL MALL

CORRESPONDENCE

RESPECTING

THE PROPOSED UNION

OF

THE BRITISH NORTH AMERICAN PROVINCES.

(*In continuation of Papers presented 7th February* 1865.)

Presented to both Houses of Parliament by Command of Her Majesty,
8th February 1867.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

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1867.

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CORRESPONDENCE

RESPECTING

THE PROPOSED UNION

OF

THE BRITISH NORTH AMERICAN PROVINCES.

CANADA.

Despatches from the Governor.

No. 1. No. 1.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 203.) Quebec, December 23, 1864.
(Received, January 9, 1865.)
(Answered, No. 5, January 13, 1865, p. 42.)

SIR,

I HAVE the honour to acknowledge with feelings of much satisfaction the receipt of your Despatch (No. 93.*), of December 3, in which you convey to me the general approval by Her Majesty's Government of the scheme of Union for the British North American Provinces agreed to by the Conference which met at Quebec in October last.

* Vide Papers presented Feb. 7, 1865, page 11.

With regard to the two points upon which you have written, namely, that of the exercise of the Royal prerogative of pardon and the constitution of the Upper Chamber of the general Legislature, I shall only say at present that as respects the former I am in a position to state that it was never the intention of the Conference to interfere in the slightest degree with the constitutional prerogative of Her Majesty to select herself the person to whom she should entrust the duty of revising sentences pronounced by legal tribunals.

The resolution was introduced merely as a suggestion to meet a local difficulty resulting from imperfect means of communication during the winter months between portions of the proposed Union.

It is plain that this proposition could form no part of the Act which will be necessary in order to give effect to the proposed plan of union, and, in fact, the suggestion contained in it must be determined by the decision of the Queen, with whom alone rests the power of naming the person to whom shall be delegated the exercise of her prerogative.

With regard to the constitution of the Upper House of the general Legislature, it is apparent that the resolutions adopted by the Conference will be subjected to the action of many minds before they shall have become embodied in addresses from the Legislatures of the several Provinces.

I would suggest that we should adjourn the consideration of this subject until we see the form in which the resolutions will emerge from these discussions.

I have the honour to transmit for your information a copy of a communication which, in pursuance of the instructions contained in your Despatch, I have addressed to the Lieutenant-Governors of the Lower Provinces and to the Governor of Newfoundland.

Dec. 23, 186

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

CANADA.

Enclosure in No. 1.

Encl. in No. 1. Sept. 23, 1864. Nov. 12, 1864.

SIR, Quebec, December 23, 1864.

REFERRING to my Despatches to you noted in the margin, I have the honour to transmit for your information a copy of a Despatch from the Secretary of State for the Colonies in reference to the resolutions adopted by the Conference which assembled at Quebec in October last to consider the propriety of effecting a Union of the Provinces of British North America, and also a copy of the answer which I have returned to this Despatch.

No. 93. Dec. 3, 1864. Vide Paper presented Feb. 7, 1865, page 11.

In this Despatch Mr. Cardwell desires me "to take immediate measures, in concert with the "Lieutenant-Governors of the several Provinces, for submitting to their respective Legislatures this "project of the Conference."

No. 203. Dec. 23, 1864, page 1.

In pursuance of these instructions, I have the honour to inform you that I have summoned the Canadian Parliament to meet on Thursday, January 19th, 1865, when I propose to bring before both Houses of the Legislature the important subject referred to in Mr. Cardwell's Despatch, in order that if the Legislature shall think fit an Address may be adopted to the Queen, praying Her Majesty to direct that steps may be taken for passing an Act of the Imperial Parliament to unite the Provinces of British North America on the basis laid down in the resolutions adopted by the Quebec Conference.

I shall feel much obliged if, after consulting your advisers on the subject, you will inform me what course you intend to pursue for the purpose of giving effect to Mr. Cardwell's instructions.

I have, &c.
(Signed) MONCK.

No. 2.

No. 2.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 12.) Quebec, January 11, 1865.

SIR, (Received, February 1, 1865.)

Dec. 27, 1864. Jan. 9, 1865.

I HAVE the honour to enclose for your information a copy of a Despatch from the Governor of Newfoundland relating to measures for carrying out the proposed Union of the North American Provinces, together with a copy of my answer.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

MY LORD, Government House, Newfoundland, December 27, 1864.

I HAVE received from the Secretary of State a Despatch enclosing a copy of his to your Lordship, No. 93, of the 3rd inst., in which he states, that it appears to Her Majesty's Government that you should now take immediate measures, in concert with the Lieutenant-Governors of the several Provinces, for submitting to the respective Legislatures the project of the recent Quebec Conference for the Confederation of the British North American Colonies.

2. I now communicate with your Lordship for the purpose of acquainting you that the Legislative Session of 1865 will be opened here on Friday the 27th January, when the Report of the Delegates will be laid before the Council and Assembly.

The postal service from Halifax to Newfoundland is limited to a monthly mail during the winter season. The next should leave Halifax on the 20th January, and if it should happen that your Lordship desires to afford me any information or recommendation on the important subject which is likely to engage so much of the time of the Legislature during the next Session, I should be glad to receive it by that opportunity.

3. From all that I have been able to gather in various quarters, I am of opinion that the proposal of the Conference will meet with little or no important opposition in this Colony, and it is possible that the necessary measures might be perfected here during the next Session by the present House of Assembly, which will expire in the spring. The chief uneasiness is felt with regard to the effect of the Union upon the local tariff, which is much lower than that of Canada, and it is feared may be increased. If dread of any greatly disadvantageous alteration can be prevented, I should not anticipate serious difficulty in procuring a harmonious settlement of any other questions which may be raised.

4. It is possible, however, that the state of circumstances in Canada or the other Provinces may render it immaterial to press for any prompt decision in this Colony, and local causes may then make it inexpedient; upon this point I shall be glad to be favoured with your advice, and I take this opportunity of assuring your Lordship of my cordial co-operation in your efforts to complete an arrangement which I believe to be fraught with so great future advantage to this Colony, in common with the rest of the North American Possessions of the Crown.

I have, &c.

His Excellency the Right Hon. Viscount Monck, Governor-General of Canada.

(Signed) A. MUSGRAVE.

Enclosure 2 in No. 2.

CANADA.

Government House, Quebec, January 9, 1865.

Encl. 2 in No. 2.

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch of 27th December 1864, respecting the steps which it is advisable to take in order to carry into effect the instructions of the Secretary of State on the subject of the proposed Union of the British North American Colonies contained in his Despatch to me of the 3rd December 1864.

I have the honour to acquaint you that the Canadian Parliament is summoned to meet on the 19th inst., and it is intended by my Government to propose an address to the Queen from both branches of the Legislature, embodying the resolutions of the Quebec Conference, and praying Her Majesty to cause a Bill to be introduced into the Imperial Parliament to enact the Union of these Colonies on the basis of these resolutions.

I would suggest that a similar course should be adopted in Newfoundland.

With respect to the question of the customs tariff of the proposed Union, it is obviously impossible for the Government of our Province to give any pledge which would be binding upon the Government or Parliament of the Union; but I am in a position to state that if the decision rested with the members of the present Canadian Administration, their desire would be to arrange the charges in the tariff so as to meet the views of all the members of the proposed Union.

I may express my own *opinion* that the course of action will be in a direction that will be satisfactory to your Legislature, and that no apprehension need be entertained in Newfoundland that a system of excessive import duties will be introduced.

I cannot conclude without expressing my gratification at the account you give of the state of public feeling in your Province on this important subject, and to beg of you to accept my best thanks for your hearty promise of co-operation with me in completing this great work, which has commenced so auspiciously.

I have, &c.

Governor Musgrave, &c., &c.
Newfoundland.

(Signed) MONCK.

No. 3.

No. 3.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 25.)

Government House, Quebec, January 19, 1865.

(Received, February 3, 1865.)

SIR,

I HAVE the honour to enclose a copy of the speech with which I this day opened the session of the Provincial Parliament.

Extract.

I have, &c.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

(Signed) MONCK.

Enclosure in No. 3.

Encl. in No. 3.

(Extract.)

HONOURABLE GENTLEMEN AND GENTLEMEN,

AT the close of the last session of Parliament I informed you that it was my intention, in conjunction with my ministers, to prepare and submit to you a measure for the solution of the constitutional problem, the discussion of which has for some years agitated this Province.

A careful consideration of the general position of British North America induced the conviction that the circumstances of the times afforded the opportunity, not merely for the settlement of a question of provincial politics, but also for the simultaneous creation of a new nationality.

Preliminary negotiations were opened by me with the Lieutenant-Governors of the other Provinces of British North America, and the result was that a meeting was held at Quebec in the month of October last, composed of delegates from those Colonies representing all shades of political party in their several communities, nominated by the Lieutenant-Governors of their respective Provinces, who assembled here with the sanction of the Crown and at my invitation to confer with the members of the Canadian ministry on the possibility of effecting a Union of all the Provinces of British North America.

This Conference, after lengthened deliberations, arrived at the conclusion that a Federal Union of these Provinces was feasible and desirable, and the result of its labours is a plan of the constitution for the proposed Union embodied in a series of resolutions which, with other papers relating to the subject, I have directed to be laid before you.

The general design of a Union, and the particular plan by which it is proposed to carry that intention into effect, have both received the cordial approbation of the Imperial Government.

An Imperial Act of Parliament will be necessary in order to give effect to the contemplated Union of the Colonies, and I have been officially informed by the Secretary of State that Her Majesty's ministers will be prepared to introduce a Bill for that purpose into the Imperial Parliament so soon as they shall have been notified that the proposal has received the sanction of the Legislatures representing the several Provinces affected by it.

CANADA.

In commending to your attention this subject, the importance of which to yourselves and to your descendants it is impossible to exaggerate, I would claim for it your calm, earnest, and impartial consideration.

With the public men of British North America it now rests to decide whether the vast tract of country which they inhabit shall be consolidated into a state combining within its area all the elements of national greatness, providing for the security of its component parts, and contributing to the strength and stability of the Empire, or whether the several Provinces of which it is constituted shall remain in their present fragmentary and isolated condition, comparatively powerless for mutual aid, and incapable of undertaking their proper share of Imperial responsibility.

In the discussion of an issue of such moment, I fervently pray that your minds may be guided to conclusions which shall redound to the honour of our Sovereign, to the welfare of Her subjects, and to your own reputation as patriots and statesmen.

No. 4.

No. 4.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 26.)

Government House, Quebec,
January 20, 1865.
(Received, February 3, 1865.)

Sir R. G. MacDonnell to Lord Monck, Jan. 9. 1865.

SIR,

I HAVE the honour to enclose a copy of a Despatch from the Lieutenant-Governor of Nova Scotia, and of my answer, relative to the course to be adopted for the purpose of giving effect to the instructions conveyed to me in your Despatch of the 3rd December 1864, No. 93,* respecting the proposed Union of the British North American Provinces.

Lord Monck to Sir R. G. MacDonnell, Jan. 18, 1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

* Vide Papers presented Feb. 7, 1865, page 11.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

Lieutenant-Governor MACDONNELL to Lord MONCK.

MY LORD,

Government House, Halifax, Nova Scotia, January 9, 1865.

I HAVE the honour to acknowledge receipt of your Lordship's Despatch of the 23rd December, transmitting copy of the reply of Her Majesty's Principal Secretary of State to your Lordship, expressing the views of the Queen's Government on the resolutions adopted by the Quebec Conference.

2. In reference to the course which your Lordship suggests for the purpose of giving effect to the instructions of Her Majesty's Government, viz., "to submit to the respective Legislatures the project of "the Conference," I am in a position to state that this Government will take similar steps to those proposed to be taken in Canada, that is to say, when the papers and correspondence connected with the subject shall have been laid before Parliament, which I have summoned to meet on the 9th February, an address to Her Majesty will be moved by the leader of the Government, praying Her Majesty to direct steps to be taken for passing an Act of the Imperial Parliament to unite the Provinces of British North America. The resolutions of the Quebec Conference will be suggested as the general basis of such Union, to be carried out in such a manner as may be judged by Her Majesty's Government most compatible with the joint interests of the Crown and of these portions of the British Empire.

3. It is evident from the communication of the Right Honourable the Secretary of State that Her Majesty's Government expects to be aided in the preparation of a Bill embodying the suggestions of the Quebec Conference by deputations from the respective Provinces. It also appears to myself and the members of my Government that to avoid the probable multiplied divergence of opinion in each Legislature, inseparable from discussing a great variety of details in several independent Parliaments, despite of a general agreement in the main object and principles of the general scheme, it is better for these Provinces to avail themselves of the friendly arbitrament of the Queen's Government, and send delegates to consult with the latter during preparation of the proposed Imperial Bill. The peculiar views of each Legislature might, if necessary, find appropriate expression in instructions to the delegates from each.

4. This seems the wisest and most complete mode of disposing of all questions of prerogative as well as of all suggested amendments of the Quebec resolutions; on all such points I and my Council feel that the simplest and most effectual mode of serving these Provinces is to confide in the wisdom, discretion, and friendly disposition of the Imperial Government.

5. Any other course appears to this Government calculated to open a door to the renewal not of one but of as many conferences as there are distinct Legislatures. Such a course might possibly end in the indefinite adjournment of all union, and this Government would view with serious apprehension the grave consequences and general embarrassment to public business which might be caused by thus holding in suspense such important questions, and protracting their discussion so late as to prevent their settlement by Imperial legislation within the current year.

6. I trust the above views of myself and of this Government coincide with those of your Lordship, and that all these Provinces may attain the early realisation of their hopes of union by reposing a general confidence in the ability and wisdom of Her Majesty's Government to arrange satisfactorily whatever details the Quebec Conference may have left incomplete.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Not signed).

Enclosure 2 in No. 4.

Lord MONCK to Lieutenant-Governor MACDONNELL.

SIR, Government House, Quebec, January 18, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch of the 9th instant, in reference to the course to be pursued in the several Provincial Legislatures on the subject of the proposed Union, and I will at once lay it before my Executive Council for their consideration.

I have, &c.

Lieutenant-Governor Sir R. G. MacDonnell, C.B., &c. &c. &c.

(Signed) MONCK.

No. 5.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 28.)

Quebec, January 25, 1865.

SIR, (Received February 9, 1865.)

I HAVE the honour to enclose a copy of a Despatch from the Lieutenant-Governor of Prince Edward Island, and of my answer, respecting the time for assembling the Legislature of that Colony for the consideration of the Resolutions of the Quebec Conference.

Jan. 9, 1865.
Jan. 25, 1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Enclosure 1 in No. 5.

Lieut-Governor DUNDAS to Lord MONCK.

Government House, Prince Edward Island,

MY LORD, January 9, 1865.

I HAVE to acknowledge the receipt on the 7th instant, of your Lordship's Despatch of the 23rd ult., transmitting copy of a Despatch from the Secretary of State for the Colonies, and your reply thereto, on the subject of the resolutions adopted by the Conference which recently assembled at Quebec, to consider the propriety of effecting an Union of the Provinces of British North America.

I have, in accordance with your request, consulted my advisers on the subject. It will be inconvenient for local reasons, that I should summon the Legislature of this Province before the 28th February; but I am prepared to do so if your Lordship is desirous of obtaining sooner the decision of this Legislature on this important question.

At the opening of the Legislature, I propose to bring the project of the Conference before both Houses, and to invite them to give their calm and dispassionate consideration to a subject of such manifest interest and importance to the future welfare of the Colony.

My ministers are anxious to meet, so far as they can the wishes of Her Majesty's Government, and of your Lordship, as to the time of submitting this matter to the Legislature, and if the 28th February appears to your Lordship to be inconveniently late, I shall be glad if you will inform me of the latest date which will meet with your approval.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) GEORGE DUNDAS, Lieutenant-Governor.

Enclosure 2 in No. 5.

Viscount MONCK to Lieut.-Governor DUNDAS.

SIR, Quebec, January 25, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch of the 9th instant, in which you inform me that you have decided to summon the Parliament of Prince Edward Island to meet on the 28th February, but that if I desire, in connexion with the intention of submitting to its consideration the proposed Union of the British North American Provinces, that it should meet on an earlier day, you are prepared to meet my views in reference to this matter.

I have the honour to say in reply, I do not think any advantage would be gained by assembling your Parliament at an earlier day that that which you mention.

CANADA.

I hope to transmit to you by an early opportunity the terms of the motion in which it is proposed by the Canadian Ministry to bring this important subject under the consideration of the Parliament of this Province.

Lieut.-Governor Dundas,
&c. &c.

I have, &c.
(Signed) MONCK.

No. 6.

No. 6.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 32.)

Quebec, January 26, 1865.
(Received February 9, 1865.)
(Answered, No. 21, February 15, 1865, p. 42.)

SIR,

I HAVE the honour to enclose copies of Addresses presented to me by the two Houses of the Legislature in answer to the speech from the Throne, and of my replies.

I have, &c.,
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. 1 in No. 6.

Enclosure 1 in No 6.

To his Excellency the Right Honourable CHARLES STANLEY, Viscount MONCK, Baron MONCK, of Ballytrammon, in the County of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

(Extract.)

MAY IT PLEASE YOUR EXCELLENCY:

We recall with satisfaction your Excellency's statement at the close of the last session of Parliament, that it was your intention, in conjunction with your Ministers, to prepare and submit to Parliament a measure for the solution of the constitutional problem, the discussion of which has for some years agitated the Province.

We receive with earnest attention your Excellency's announcement, that a careful consideration of the general position of British North America induced the conviction that the circumstances of the times afforded the opportunity, not merely for the settlement of a question of provincial politics, but also for the simultaneous creation of a new nationality.

We thank your Excellency for informing us that preliminary negotiations were opened by your Excellency with the Lieutenant Governors of the Provinces of British North America; and that the result was, that a meeting was held at Quebec, in the month of October last, composed of delegates from those Colonies, representing all shades of political party in their several communities, nominated by the Lieutenant-Governors of their respective Provinces, who assembled here, with the sanction of the Crown and at your Excellency's invitation, to confer with the members of the Canadian ministry on the possibility of effecting a Union of all the Provinces of British North America.

We have learned with the deepest interest that this Conference, after lengthened deliberations, arrived at the conclusion that a federal Union of these Provinces was feasible and desirable, and that the result of its labours is a plan of constitution for the proposed Union, embodied in a series of resolutions, which, with other papers relating to the subject, your Excellency has directed to be laid before Parliament; and that the general design of a Union, and the particular plan by which it is proposed to carry that intention into effect, have both received the cordial approbation of the Imperial Government.

An Imperial Act of Parliament being necessary in order to give effect to the contemplated Union of the Colonies, this House is gratified to learn that your Excellency has been officially informed by the Secretary of State that Her Majesty's Ministers will be prepared to introduce a Bill for that purpose into the Imperial Parliament, so soon as they shall have been notified that the proposal has received the sanction of the Legislatures representing the several Provinces affected by it.

And we assure your Excellency that this subject, which you have been pleased to commend to our attention, and the importance of which to ourselves and to our descendants it is impossible to exaggerate, shall receive from this House the calm, earnest, and impartial consideration which your Excellency claims for it.

We desire to convey to your Excellency a sense of the profound respect with which this House has received the assurance of your conviction that with the public men of British North America it now rests to decide whether the vast tract of country which they inhabit shall be consolidated into a State, combining within its area all the elements of national greatness, providing for the security of its component parts, and contributing to the strength and stability of the Empire; or whether the several Provinces of which it is constituted shall remain in their present fragmentary and isolated condition, comparatively powerless for mutual aid, and incapable of undertaking their proper share of Imperial responsibility.

We unite with your Excellency in fervently praying that in the discussion of an issue of such moment, our minds may be guided to conclusions which shall redound to the honour of our Sovereign, and to the welfare of Her subjects.

Enclosure 2 in No. 6. CANADA.

Mr. SPEAKER and Gentlemen of the Legislative Council. Encl. 2 in No. 6.

I THANK you for your address. I am convinced that you will apply yourselves to the consideration of the important matters that will be laid before you in a calm and dispassionate spirit.

Enclosure 3 in No. 6. Encl. 3 in No. 6.

To his Excellency the Right Honourable CHARLES STANLEY, Viscount MONCK, Baron MONCK, of Ballytrammon, in the County of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

(Extract.)

MAY IT PLEASE YOUR EXCELLENCY:

We have not ceased to bear in mind, that at the close of the last session of Parliament your Excellency graciously informed us that it was your intention, in conjunction with your Ministers, to prepare and submit to us a measure for the solution of the constitutional problem, the discussion of which has for some years agitated this Province.

We receive from your Excellency, with the most profound attention, the announcement,—

That a careful consideration of the general position of British North America induced the conviction, that the circumstances of the times afforded the opportunity, not merely for the settlement of a question of provincial politics, but also for the simultaneous creation of a new nationality:

That preliminary negotiations were opened by your Excellency with the Lieutenant-Governors of the other Provinces of British North America, and that the result was that a meeting was held at Quebec in the month of October last, composed of delegates from those Colonies, representing all shades of political party in their several communities, nominated by the Lieutenant-Governors of their respective Provinces, who assembled here with the sanction of the Crown and at your Excellency's invitation, to confer with the members of the Canadian Ministry on the possibility of effecting a Union of all the Provinces of British North America:

That this Conference, after lengthened deliberations, arrived at the conclusion that a federal Union of these Provinces was feasible and desirable, and the result of its labours is a plan of constitution for the proposed Union, embodied in a series of resolutions, which, with other papers relating to the subject, your Excellency has directed to be laid before us:

And that the general design of a Union, and the particular plan by which it is proposed to carry that intention into effect, have both received the cordial approbation of the Imperial Government.

Inasmuch as an Imperial Act of Parliament will be necessary in order to give effect to the contemplated Union of the Colonies, we are gratified to learn from your Excellency that you have been officially informed by the Secretary of State, that Her Majesty's Ministers will be prepared to introduce a Bill for that purpose into the Imperial Parliament, so soon as they shall have been notified that the proposal has received the sanction of the Legislatures representing the several Provinces affected by it.

Your Excellency may rest assured that in giving our attention to this subject, the importance of which, to ourselves and to our descendants, it is impossible to exaggerate, we shall bestow upon it our calm, earnest, and impartial consideration.

We receive with deference the expression of your Excellency's conviction, that with the public men of British North America it now rests to decide whether the vast tract of country which they inhabit shall be consolidated into a State, combining within its area all the elements of national greatness, providing for the security of its component parts, and contributing to the strength and stability of the Empire; or whether the several Provinces of which it is constituted shall remain in their present fragmentary and isolated condition, comparatively powerless for mutual aid, and incapable of undertaking their proper share of Imperial responsibility.

And we unite with your Excellency in the fervent prayer, that in the discussion of an issue of such moment, our minds may be guided to conclusions which shall redound to the honour of our Sovereign, and to the welfare of Her subjects.

Enclosure 4 in No. 6. Encl. 4 in No. 6.

Mr. SPEAKER and Gentlemen of the Legislative Assembly.

I THANK you for this address. I am happy to hear that you are prepared to enter at once upon the discussion of the several important subjects that I have submitted to you.

No. 7. No. 7.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 35.) Quebec, January 30, 1865.

(Received, February 17, 1865.)

SIR, (Answered, No. 30, February 24, 1865, p. 42.)

I HAVE the honour to enclose a copy of a circular Despatch which I have this day addressed to the Lieutenant-Governors and to the Governor of Newfoundland.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) MONCK.
&c. &c. &c.

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Encl. in No. 7.

Enclosure in No. 7.

Viscount MONCK to Lieutenant-Governors.

SIR, Quebec, January 30, 1865.

I HAVE the honour to transmit for your information a copy of the resolution which it is proposed by my Government to move in both Houses of the Legislature of this Province on the subject of the proposed Union of the British North American Provinces.

I also enclose, as printed by the Legislative Assembly, copies of correspondence that has been laid before both Houses of the Canadian Legislature.

I have, &c.
(Signed) MONCK.

RESOLVED,

THAT an humble address be presented to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government, with provisions based on the following resolutions, which were adopted at a Conference of delegates from the said Colonies held at the city of Quebec on the 10th of October 1864.

(Here follow the resolutions verbatim.*)

* Vide Appendix, page 158.

No. 8.

No. 8.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 36.) Quebec, January 30, 1865.
(Received, February 17, 1865.)
(Answered, No. 32, February 25, 1865, p. 42.)

SIR,

I HAVE the honour to enclose a copy of a Despatch from the Lieutenant-Governor of New Brunswick.

Hon. A. H. Gordon to Lord Monck, Fredericton, Jan. 23, 1865.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. in No. 8.

Enclosure in No. 8.

Hon. A. H. GORDON to Lord MONCK.

MY LORD, Fredericton, January 23, 1865.

IN my Despatch of the 9th instant I informed your Lordship that, when I had consulted the members of my Council as to the steps most calculated to give effect to the resolutions of Quebec Conference, I would do myself the honour of again addressing your Lordship.

I have now accordingly the honour to inform your Lordship that it is my intention, with the advice of my Executive Council, immediately to dissolve the existing Legislature of this Province, and that the new Parliament will be summoned to meet towards the end of the month of March, when the question of the Confederation of the British North American Provinces will be immediately submitted for their consideration.

I have, &c.
(Signed) ARTHUR H. GORDON.

The Viscount Monck,
&c. &c.

No. 9.

No. 9.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 68.) Government House, Quebec, March 10, 1865.
(Received, March 24, 1865.)
(Answered, No. 48, March 29, 1865, p. 43.)

SIR,

I HAVE the honour to transmit for your information a copy of a Despatch on the subject of the proposed Confederation of the British North American Provinces, which I have received from the Governor of Newfoundland.

Feb. 23, 1865.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure in No. 9.

Encl. in No. 9.

Governor MUSGRAVE to Viscount MONCK.

MY LORD, Government House, Newfoundland, February 23, 1865.

I HAVE had the honour to receive by the mail, which arrived on the evening of the 21st, your Lordship's Despatches noted in the margin, with their enclosures, having reference to the proposed Confederation of the British North American Provinces.

2. I have already, in my Despatch of the 27th January, acquainted you with the [course] it was proposed to take in this Colony for the purpose of giving effect to the instructions of the Secretary of State. In the debates which have taken place in both the Council and the Assembly on the address in reply to the opening speech, and subsequently on the special subject of Confederation, it has become obvious, however, that although no attempt is made to obtain a decision adverse to a Union of the Provinces, a very strong disinclination exists, even on the part of those favourable to the Union, to pronounce any judgment upon the question during the present session.

The House will expire in May, and a general election for a new Assembly must take place in the autumn. It is urged that under any circumstances the matter is one which should be referred to the constituencies, and that in these it would be specially improper to attempt to force a hasty decision from the present Legislature just on the eve of its expiration.

3. I believe I am justified in stating that the project is gradually gaining ground in the estimation of the better informed members, both of the Legislature and the community, but a good deal of misapprehension on the subject prevails among a large number, which a little time for consideration and explanation would go far to remove. I entertain scarcely any doubt of the final adoption of the proposals of the Quebec Conference; but I am advised, and it appears to myself, that in the present state of public feeling it would be unwise to press for a decision against the almost unanimous desire to defer it until the next session.

Such a course would probably only have the effect of exciting factious hostility, and retard the eventual settlement of the plan.

And it is, therefore, now proposed by the Government to agree to the postponement of a decision until the first session of the new Legislature, when the question shall have been submitted to the constituencies of the Colony.

I have, &c.

His Excellency the Right Hon. Viscount Monck, &c. &c. &c.

(Signed) A. MUSGRAVE.

No. 10.

No. 10.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 73.)

Government House, Quebec, March 15, 1865.

(Received, March 30, 1865.)

(Answered, No. 58, April 8, 1865, page 43.)

SIR,

I HAVE the honour to transmit an Address to Her Majesty, agreed to by the Legislative Council of this Province, praying that Her Majesty will be pleased to cause a measure to be introduced into the Imperial Parliament for the Union of the Provinces of British North America, on the basis of the resolutions adopted by the Conference of Delegates from those Provinces which met at Quebec in October of last year.

This Address to Her Majesty was brought up to me by the whole House, and an Address presented to me, of which I have the honour to transmit a copy, requesting me to take such steps as might appear to me most suitable for laying the Address to the Queen at the foot of the throne.

I have, therefore, the honour to request on the part of the Legislative Council of Canada, that you will present their Address to Her Majesty.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Enclosure 1 in No. 10.

Encl. 1 in No. 10.

To his Excellency the Right Honourable CHARLES STANLEY, Viscount MONCK, of Ballytrammon, in the County of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Canada, in Provincial Parliament assembled, beg leave to approach your Excellency with our respectful request that you will

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be pleased to transmit our Address to Her Majesty on the subject of the Union of Her Majesty's Provinces of British North America in such a way as to your Excellency may seem fit, in order that the same may be laid at the foot of the throne.

(Signed) U. J. TESSIER,
Speaker of the Legislative Council.

Legislative Council,
Monday, 20th February 1865.

Encl. 2 in No. 10.

Enclosure 2 in No. 10.

To the QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Legislative Council of Canada, in Provincial Parliament assembled, humbly approach Your Majesty for the purpose of praying that Your Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government, with provisions based on the following resolutions, which were adopted at a Conference of delegates from the said Colonies, held at the city of Quebec, on the 10th of October 1864.

(Here follow the Resolutions which will be found printed as an Appendix, page 158.)

Legislative Council, Monday 20th February 1865.

No. 11.

No. 11.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 74.)

Government House, Quebec, March 15, 1865.
(Received, March 30, 1865.)
(Answered, No. 58, April 8, 1865, page 43.)

SIR,

I HAVE the honour to transmit an Address to Her Majesty, agreed to by the Legislative Assembly of this Province, praying that Her Majesty will be pleased to cause a measure to be introduced into the Imperial Parliament for the Union of the Provinces of British North America, on the basis of the resolutions adopted by the Conference of Delegates from the Provinces which met at Quebec in October of last year.

This Address to Her Majesty was brought up to me by the whole House, and an Address presented to me, of which I have the honour to transmit a copy, requesting me to take such steps as might appear to me most suitable for laying the Address to the Queen at the foot of the throne.

I have, therefore, the honour to request on the part of the Legislative Assembly of Canada, that you will present their Address to Her Majesty.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. 1 in No. 11.

Enclosure 1 in No. 11.

To the QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, humbly approach Your Majesty, for the purpose of praying that Your Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government, with provisions based on the accompanying Resolutions, which were adopted at a Conference of delegates from the said Colonies, held at the city of Quebec on the 10th of October 1864, all which we, the Commons of Canada, humbly pray Your Majesty to take into your gracious and favourable consideration.

(Here follow the Resolutions which will be found printed as an Appendix, page 158.)

Legislative Assembly Hall,
Monday, 13th March 1865.

Enclosure 2 in No. 11.

CANADA.

Encl 2 in No. 11.

To his Excellency the Right Honourable CHARLES STANLEY, Viscount MONCK, of Ballytrammon, in the County of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, beg leave to approach your Excellency with our respectful request that you will be pleased to transmit our Address to Her most Gracious Majesty, praying that Her Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, in one Government, with provisions based on the resolutions which were adopted at a Conference of delegates from the said Colonies, held at the city of Quebec on the 10th of October 1864, in such way as your Excellency may deem fit, in order that the same may be laid at the foot of the throne.

(Signed) L. WALLBRIDGE.
Speaker.

Legislative Assembly Hall,
Monday, 13th March 1865.

No. 12.

No. 12.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 164.)

Quebec, August 14, 1865.
(Received, August 28, 1865.)
(Answered No. 137, September 6, 1865, page 46.)

SIR,

I HAVE the honour to transmit for your information, copies of the papers* submitted to the Provincial Parliament relating to the Conference lately held in London between Her Majesty's Government and the Ministers of Canada.

* Only the Report of the Deputies is printed.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

To his Excellency the Right Honourable Viscount MONCK, Governor-General of British North America, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

THE undersigned having, by Order in Council of 24th March 1865, been appointed a committee of the Executive Council of Canada to proceed to England and confer with Her Majesty's Government on certain subjects of importance to the Province, sailed for England in April last; and having discharged the duty entrusted to them and returned to Canada, we now beg to submit for your Excellency's information, a statement of our proceedings while in London.

The circumstances under which this mission became necessary are doubtless fresh in your Excellency's recollection. For a considerable time past, in view of the civil war going on in the United States, and the impossibility of anticipating what international questions might at any moment arise, Her Majesty's Government felt it their duty from time to time to direct the attention of the Government of Canada to the insecure position of the Province in the event of disturbed relations unhappily resulting, and to urge the adoption of protective measures. In these communications it was not concealed that Her Majesty's Government expected the people of Canada to assume more onerous military duties than they had previously borne. Your Excellency's advisers were always prepared frankly to consider these proposals, and to submit for the approval of Parliament such measures as might be found just and reasonable. But they felt at the same time that to secure the hearty assent of Parliament and the country for any important changes in the military relations between the parent state and the Colony, an explanation on the whole subject should first be had, so that a clear understanding as to the share of defence to be borne by each might be arrived at, and all ground of irritating and hurtful reproach for alleged neglect of duty by the Colony, entirely removed. In view also of the anticipated early union of all the British North American Colonies—so well calculated to simplify the system of defence—the Government of Canada deemed it highly desirable that the settlement of this important question should be reserved for the action of the Government and Legislature of the new Confederation. Her Majesty's Government concurred in these views.

In the early part of this year, however, events occurred that changed the situation of affairs. The conference at Fortress Monroe for the cessation of hostilities, the disturbances on the Canadian frontier, the imposition of the passport system, the notice given by the American Government for a termination of the convention restricting the naval armament on the lakes, and other events, tended to revive and deepen the feeling of insecurity; and Her Majesty's Government urged the immediate erection of permanent works of defence at Quebec and Montreal—the cost of the former to be borne by the Imperial Treasury, and of the latter by the people of Canada. Your Excellency's advisers were most anxious to meet the wishes of Her Majesty's Government, but they could not feel it their duty to propose to Parliament a vote for defensive works at Montreal while the defence of Upper Canada, on land and on the lakes, was unprovided for. The position of affairs was further complicated by the result of the New Brunswick elections, which postponed, at least for a time, the Union of the Provinces, and by

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the formal notice given by the American Government for the termination, in March next, of the Reciprocity Treaty. It became evident that the time had arrived and could no longer be postponed, for a full and frank explanation with Her Majesty's Government on the whole state of affairs; and with that view an immediate mission to England, with your Excellency's assent, was resolved upon. The state of the case was forthwith communicated to the Legislative Council and Assembly, which were then in session; and Parliament was shortly after prorogued on the understanding that it would be summoned to learn the result of the negotiations and complete the business of the session, so soon as the delegates returned from Great Britain.

On arriving in England we lost no time in placing ourselves in communication with Her Majesty's Secretary of State for the Colonies; and a committee of the Imperial Cabinet, consisting of his Grace the Duke of Somerset, the Right Honourable the Earl De Grey and Ripon, the Right Honourable William E. Gladstone, and the Right Honourable Edward Cardwell, having been appointed to confer with us, negotiations were opened and continued at frequent interviews, up to the close of our mission.

The subject to which we first invited the attention of the conference was the proposed Confederation of the British North American Colonies. We reminded the Imperial Ministers how largely all the questions, with the discussion of which we were charged—and especially those of defence, foreign commercial relations, and internal communication—would be affected by the Union, and how greatly their satisfactory settlement would be facilitated by it. We explained the reasons that existed for obtaining the assent of all the Colonies to the Union at an early date, and the promise to which the Government of Canada stood pledged to proceed without delay with constitutional reforms for Canada alone, in the event of the larger measure failing to be obtained. We received at once from the members of the Imperial Cabinet assurances of their hearty approval of the Confederation scheme, and of their anxious desire to promote its early accomplishment by all the legitimate influence of the Imperial Government. In the discussion of the means to be adopted for effecting Confederation, we trust it is unnecessary to assure your Excellency that the idea of coercing the maritime Provinces into the measure was not for a moment entertained. The end sought was to ascertain in what manner the question of Union in all its bearings could be best brought under the full and fair consideration of our fellow Colonists, and the grave responsibility urged upon them, which they would assume by thwarting a measure so pregnant with future prosperity to British America, so anxiously desired by the great mass of the people to be affected by it, and which had been received with such marked satisfaction by our fellow subjects throughout the British Empire. We received assurances that Her Majesty's Government would adopt every legitimate means for securing the early assent of the maritime Provinces to the Union. In the course of these discussions, the question of the Intercolonial Railway came up as a necessary accompaniment of Confederation, when we sought and obtained a renewal of the promised Imperial guarantee of a loan for the construction of that work.

The important question of the future military relations between the mother country and Canada received earnest and grave consideration. Before entering on the discussion of details, we referred to the recent debates in the Imperial Parliament on the subject of Canadian defences, and especially to the assertions confidently made by certain members of the House of Commons that Canada was incapable of efficient protection against invasion from her inland border. We explained the injury such statements tended to produce, and the necessity of our ascertaining, as a preliminary step to our discussions, whether or not they were well founded. We asked that a report on the whole subject of the defence of Canada, with plans and estimates, might be obtained from the highest military and naval authorities of Great Britain. Such a report was obtained and communicated to us confidentially; and we rejoice to say that it was calculated to remove all doubt as to the security of our country, so long as the hearts of our people remain firmly attached to the British flag, and the power of England is wielded in our defence.

On the part of Canada we expressed the desire that this plan for the defence of all parts of the Province should be taken as the basis of arrangement; and that a full and candid discussion should be had as to the share of the cost that ought be borne respectively by the Imperial and Provincial exchequers. We expressed the earnest wish of the people of Canada to perpetuate the happy existing connexion with Great Britain, and their entire willingness to contribute to the defence of the Empire their full quota, according to their ability, of men and money. But we pointed out that if war should ever unhappily arise between England and the United States, it could only be an Imperial war, on Imperial grounds—that our country alone would be exposed to the horrors of invasion—and that our exposed position, far from entailing on us unusual burdens, should on the contrary secure for us the special and generous consideration of the Imperial Government. We explained, moreover, that though Canada continued to progress steadily and rapidly, it was a vast country, sparsely populated—that the difficulties of first settlement were hardly yet overcome—that the profits of our annual industry were to be found not in floating wealth, but in the increased value of our farms and mines—and that, at this moment especially, from the failure of successive crops, the effects of the American civil war on our commercial relations, and the feeling of insecurity as to our position (greatly aggravated by statements of the defencelessness of the country in the British Parliament and by portions of the British press)—Canada was labouring under a temporary but serious depression. We pointed out that, while fully recognizing the necessity and prepared to provide for such a system of defence as would restore confidence in our future at home and abroad, the best ultimate defence for British America was to be found in the increase of her population as rapidly as possible, and the husbanding of our resources to that end; and without claiming it as a right, we ventured to suggest that by enabling us to throw open the north-western territories to free settlement, and by aiding us in enlarging our canals and prosecuting internal productive works, and by promoting an extensive plan of emigration from Europe into the unsettled portions of our domain—permanent security would be more quickly and surely and economically secured than by any other means. We did not fail to point out how this might be done without cost or risk to the British exchequer, and how greatly it would lighten the new burden of defence proposed to be assumed at a moment of depression by the people of Canada.

Much discussion ensued on all these points, and the result arrived at was, that if the people of Canada undertook the works of defence at and west of Montreal, and agreed to expend in training their militia, until the Union of all the Provinces was determined, a sum not less than is now expended annually for that service, Her Majesty's Government would complete the fortifications at Quebec, provide the whole armamant for all the works, guarantee a loan for the sum necessary to construct the works undertaken by Canada, and in the event of war undertake the defence of every portion of Canada with all the resources of the Empire.

The question having arisen as to the time and order in which these propositions should be submitted for the approval of the Imperial and Provincial Legislatures, it appeared that no action could be taken upon them during the present year; and it was therefore deemed inexpedient to complicate the Confederation question by changing the basis of the Quebec Conference resolutions, which might result from the present adoption of these propositions. The further consideration of the defensive works was accordingly deferred for the action of the Government and Legislature of the proposed British North American Confederation; but the assurance of Her Majesty's Government was at the same time given, that if circumstances arose to render an application expedient by Canada alone for the immediate prosecution of the works of defence, such application would be received in the most friendly spirit.

On the subject of the American Reciprocity Treaty we entered into full explanations with the Imperial Ministers. We explained how advantageously the treaty had worked for Canada, and the desire of our people for its renewal; but we showed at the same time how much more advantageously it had operated for American interests; and we expressed our inability to believe that the United States Government seriously contemplated the abolition of an arrangement by which they had so greatly increased their foreign commerce, secured a vast and lucrative carrying trade, and obtained free access to the St. Lawrence and to the invaluable fishing-grounds of British America—and that on the sole ground that the Provinces had also profited by the treaty. We explained the immediate injury that would result to Canadian interests from the abrogation of the treaty; but we pointed out at the same time the new and ultimately more profitable channels into which our foreign trade must, in that event, be turned, and the necessity of preparing for the change, if indeed it was to come. We asked that the British Minister at Washington might be instructed to state frankly to the American Government the desire of the Canadian people for a renewal of the treaty, and our readiness to discuss and favourably entertain any just propositions that might be made for an extension or modification of its conditions; we requested that the views of the American Government should be obtained at the earliest convenient date; and that his Excellency Sir Frederick Bruce should act in concert with the Canadian Government in the matter. The Imperial Government cordially assented to our suggestions.

The important question of opening up to settlement and cultivation the vast British territories on the north-west borders of Canada, next obtained the attention of the Conference. Your Excellency is aware that the desire of the Government of Canada for a satisfactory and final adjustment of this matter has been often formally expressed. In your Excellency's Despatch of 19th January 1864, to the Colonial Secretary, the anxious desire of the Canadian Government was communicated "for some "speedy, inexpensive, and mutually satisfactory plan" for settling definitely "the north-western "boundary of Canada," and the claim of Canada was asserted to "all that portion of Central British "America, which can be shown to have been in the possession of the French at the period of the "cession in 1763."

In reply to this Despatch, Mr. Cardwell, on 1st July 1864, requested to be informed whether the Government of Canada was prepared to assist in negotiations with the Hudson's Bay Company, with the view of accepting any portion of the territory now claimed by that company, and providing the means of local administration therein; and he suggested that if so prepared it would be desirable that some person duly authorized to communicate the views of the Canadian Government should be sent to England for that purpose.

On the 11th November 1864, a minute of Council was approved by your Excellency, in reply to Mr. Cardwell's Despatch. It set forth that the Government of Canada was ready and anxious to co-operate with the Imperial Government, in securing the early settlement of the north-west territories, and the establishment of local government in its settled portions; but that in its opinion the first step towards that end was the extinction of all claim by the Hudson's Bay Company to proprietary rights in the soil and exclusive rights of trade. It suggested that it was for the Imperial Government, and not for the Government of Canada, to assume the duty of bringing to an end a monopoly originating in an English charter, and exercised so long under Imperial sanction; but that when the negotiations were brought to a close, the Government of Canada would be ready to arrange with the Imperial Government for the annexation to Canada of such portions of the territory as might be available for settlement, as well as for the opening up of communications into the territory and providing means of local administration. Or should the Imperial Government prefer to erect the territory into a Crown Colony, the Canadian Government would gladly co-operate in the opening up of communication into the territory, and the settlement of the country. The minute finally suggested that the Hon. President of the Council while in England would communicate more fully to Mr. Cardwell the views of the Canadian Government.

The negotiations that followed on this Despatch satisfied us of the impossibility of enforcing the end sought by Canada without long-protracted, vexatious, and costly litigation. The Hudson's bay Company were in possession, and if time were their object, could protract the proceedings indefinitely; and Her Majesty's Government appeared unwilling to ignore pretensions that had frequently received quasi recognition from the Imperial authorities. Calling to mind, therefore, the vital importance to Canada of having that great and fertile country opened up to Canadian enterprize, and the tide of emigration into it directed through Canadian channels—remembering also the danger of large grants of land passing into the hands of mere moneyed corporations and embarrassing the rapid settlement of the country—and the risk that the recent discoveries of gold on the eastern slope of the Rocky Mountains might throw into the country large masses of settlers unaccustomed to British institutions—we arrived at the conclusion that the quickest solution of the question would be the best for Canada. We accordingly proposed to the Imperial Ministers that the whole British territory east of the Rocky

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Mountains and north of the American or Canadian lines should be made over to Canada, subject to such rights as the Hudson's Bay Company might be able to establish; and that the compensation to that company (if any were found to be due) should be met by a loan guaranteed by Great Britain. The Imperial Government consented to this, and a careful investigation of the case satisfies us that the compensation to the Hudson's Bay Company cannot, under any circumstances, be onerous. It is but two years since the present Hudson's Bay Company purchased the entire property of the old company; they paid 1,500,000*l.* for the entire property and assets,—in which were included a large sum of cash on hand, large landed properties in British Columbia and elsewhere not included in our arrangement, a very large claim against the United States Government under the Oregon Treaty—and ships, goods, pelts, and business premises in England and Canada valued at 1,023,569*l.* The value of the territorial rights of the company, therefore, in the estimation of the company itself, will be easily arrived at.

The results of our communications with the Committee of Her Majesty's Government were placed, by Mr. Cardwell, in the form of a Despatch to your Excellency; that document bears date the 17th June 1865, and has already reached your Excellency's hands. It contains a correct statement of the result of the conference.

Although the subject was not specially referred to us, we did not fail to call the attention of the Colonial Minister to the anomalous position of foreigners who have settled in Canada and become naturalized subjects under our Provincial Statutes. Mr. Cardwell at once admitted the hardship of the case, and stated that it was the desire of Her Majesty's Government to remedy it, and that with that view he had referred the subject to the Law Officers of the Crown for their opinion as to the best mode of doing so.

It will be gratifying to many devoted subjects of Her Majesty throughout British America, whose fears have been excited by the language too often heard of late years on the subject of Colonial connexion, that we received from Her Majesty's Ministers the assurance that the British Government acknowledge the obligation of defending every portion of Canada with all the resources at its command.

Such, in brief, is the outline of our communications with Her Majesty's Government, and we cannot conclude this report without gratefully acknowledging the distinguished consideration extended to us as the representatives of Canada, not only by the Ministers with whom we were brought more directly in contact, but by many eminent personages with whom we had the honour of conferring on the objects of our mission. To Mr. Cardwell we are especially indebted for unremitting kindness and attention. We are happy to believe that the result of our visit to England has been to inspire more just views as to the position and feelings of the Canadian people, and to draw closer the ties that have so long and so happily attached our Province to the mother country.

(Signed) JOHN A. MACDONALD.
GEO. ET. CARTIER.
GEO. BROWN.
A. T. GALT.

Quebec 12th July 1865.

No. 13.

No. 13.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 183.)

Government House, Quebec, September 20, 1865.
(Received, October 5, 1865.)
(Answered, No. 147, October 7, 1865, page 46.)

SIR,

I HAVE the honour to transmit for your information, copies of a correspondence which I have had with the Lieutenant-Governor of Nova Scotia, on the subject of further guarantees for the construction of the Intercolonial Railway, in the event of the Union of the Provinces.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. 1 in No. 13.

Enclosure 1 in No. 13.

Lord MONCK to Sir R. G. MACDONNELL.

SIR,

Quebec, September 9, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch (No. 184) of 31st August, respecting the securities which you desire for the construction of the Intercolonial Railway in the event of the Union of the British North American Provinces being completed.

In that Despatch you suggest that the Canadian Parliament should request the Imperial Government so to frame the Imperial Act of Parliament which shall give effect to the Union of the Provinces as to secure the construction of the railway.

It appears to me and my Executive Council that this suggestion could only have been made under a misapprehension or in oblivion of what has been already done by the Canadian Parliament in reference to this subject.

I take the liberty of calling your attention to the course adopted with respect to the Intercolonial Railway by the Government and Parliament of this Province.

In the last session of the Canadian Parliament an address was voted by both Houses to Her Majesty, praying "That she would be graciously pleased to cause a measure to be submitted to "the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New "Brunswick, Prince Edward Island, and Newfoundland in one Government, with provisions based on "the accompanying resolutions, which were adopted at a Conference of delegates from the said "Colonies, held at the city of Quebec on the 10th day of October 1864."

It is consequently manifest that all the resolutions adopted at the Quebec Conference were incorporated into the address to the Queen, and that Her Majesty was as much requested by the terms of this address to take measures for giving effect to each and all of them as if the request had been embodied in a separate address having distinct reference to each resolution.

I find the 68th resolution of the Quebec Conference expressed in the following terms:—"The "general Government shall secure, without delay, the completion of the Intercolonial Railway from "Rivière du Loup through New Brunswick to Truro in Nova Scotia."

It would appear to me therefore that the Canadian Parliament, having already voted an address to the Queen, praying Her Majesty to take measures to secure the construction of the Intercolonial Railway, has done all that lies in its power to give assurance of its desire that the undertaking shall be completed; and I may add that after such a course I think it would be scarcely respectful to Her Majesty to repeat the request by a further address.

As an additional evidence of the anxiety of Canadians that there should be no difficulty in the way of completing this work, or delay in the execution of it, I venture to remind you that it appears, from correspondence with the Secretary of State, already in your possession, that when a deputation of the Government of Canada was lately in England, in conference with Her Majesty's Government, the members of that deputation voluntarily sought and obtained from the Imperial Cabinet a renewal of the engagement that, in the event of the success of the project for uniting the British North American Colonies the guarantee of the Imperial Government for the loan necessary for the construction of the railroad should be afforded.

The correspondence, of which I have furnished you with copies, and of which your present Despatch is an acknowledgment, affords further proof of the sentiments of the Canadian Government on this subject, and their willingness on the part of the Parliament of Canada to acquiesce in any course which the Imperial Government may adopt in order to secure, immediately on the Union of these Provinces, the commencement and prosecution of this important work.

I have, &c.
(Signed) MONCK.

Lieut.-Governor Sir R. G. MacDonnell.

Enclosure 2 in No. 13.

Encl. 2 in No. 13.

Sir R. G. MACDONNELL to Viscount MONCK.

MY LORD, Government House, Halifax, Nova Scotia, August 31, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 21st inst., enclosing a correspondence between yourself and the Secretary of State, in reference to the construction of the Intercolonial Railway.

That correspondence includes a Despatch from the Right Honourable the Secretary of State, suggesting that more positive assurances from Canada of her readiness to construct that railroad would be satisfactory to the friends of Confederation in the maritime Provinces. It also includes a minute of your Excellency's Council, declaring the importance which they attach to the construction of the Intercolonial Railway.

3. So far as any suggestions from myself may have influenced the Secretary of State to transmit that Despatch, I must frankly say, that my object was to obtain some other security for the completion of the Intercolonial line, than that of the Canadian Government. I need scarcely say that I entirely rely on the good faith of the Canadian Government, and I know not who would question it; nevertheless, the Parliament which has promised construction of the line must, in the event of Confederation, cease to exist, and the very members of your Government who repeat their assurances of its necessity may not be in office when the time for action arrives. It is therefore natural that those in the maritime Provinces who attach importance to the Intercolonial Railway should look beyond the existing Canadian Government to secure this leading inducement to Confederation being completed by the future Government and Parliament of the Confederate Provinces.

4. There are those who really desire Union if satisfied that the stipulated inducements will all be made good, and with whom the difficulty of attaining any satisfactory assurance of the kind, has hitherto operated as a genuine reason for opposing a scheme which they would otherwise support. There are also those who urge the difficulty of obtaining the requisite assurance as a pretext to excuse their own real hostility to the measure.

5. It seems to me that to satisfy the just expectations of the former, and deprive the latter of every excuse, is and ought where practicable to be a leading object of the policy of all friends of Confederation. Neither purpose can be attained by any amount of reiterated assurances from the present Canadian Government or Parliament, simply because the present may not be the Executive power in existence when the time arrives for carrying the undertaking into effect.

6. The only power that can be assumed as unalterable, and wholly reliable, as well as equally friendly to all concerned, is the British Government, and if the real wish and intention of the Canadian Ministry and Parliament be that the Intercolonial line shall be undertaken and completed in preference to any public works in Upper Canada or elsewhere, either now projected, or hereafter to be

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projected, it seems easy to request Her Majesty's Government to frame the Imperial Act intended to legalise and embody the conditions of Confederation so as to reserve to Imperial authority and Imperial agents if necessary, ample means of completing the undertaking at the expense of the Confederacy. It is not for me to point out the special mode in which this might be accomplished; it is enough that it could be done effectually if earnestly desired.

7. Some such step taken during the present session of the Canadian Parliament would tend greatly to advance the cause of Confederation. Its omission and the impression which has gone abroad of the unwillingness of the Canadian Government to admit that a railway can be a condition of a constitution —though it may be made by Imperial Act as much an essential condition thereof as actual payment of purchase money is essential to the validity of other transactions—has prejudiced and is prejudicing the progress of confederation here and as I believe in New Brunswick also.

8. I would therefore very respectfully suggest that your Lordship might usefully endeavour to impress on your responsible advisers the expediency of early taking such measures as may deprive every one of all pretext for doubting the "bonâ fide" fulfilment of the projected Union. Difficulties which cannot be avoided often beset the wisest and most expedient measures, but this is a difficulty which need last no longer than the Canadian Government and Parliament choose it to remain.

9. Your Lordship will regard this Despatch as expressing not merely my own views, but those of my Ministry.

I have, &c.

His Excellency the Right Hon. Viscount Monck, Governor General, &c. &c. &c.

(Signed) RICHARD GRAVES MACDONNELL, Lieut. Governor.

No. 14.

No. 14.

COPY of a DESPATCH from the Officer Administering the Government to the Right Hon. EDWARD CARDWELL, M.P.

(No. 3.)

Montreal, September 30, 1865.

(Received, October 16, 1865.)

(Answered, No. 150, October 18, 1865. page 46.)

SIR,

* Page 14.

WITH reference to Lord Monck's Despatch, No. 183,* of September 20th, enclosing copies of a correspondence between his Lordship and the Lieutenant-Governor of Nova Scotia, respecting further guarantees for the construction of the Intercolonial Railway, I have the honour to transmit for your information a copy of another Despatch on the same subject, which I have received from Sir Richard MacDonnell since Lord Monck's departure.

Sept. 18, 1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) J. MICHEL, Lt.-Gen., Administrator of the Government.

Encl. in No. 14.

Enclosure in No. 14.

Sir R. G. MACDONNELL to Lord MONCK.

MY LORD,

Government House, Halifax, Nova Scotia, September 18, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 9th instant, in reply to mine of the 31st ultimo, suggesting the policy of providing additional security for the prompt construction of the Intercolonial railroad.

2. It is very gratifying to me to find that your Lordship regards the previous correspondence on the subject as a proof of the "willingness of the Canadian Government on the part of the Parliament of "Canada to *acquiesce in any course* which the Imperial Government may adopt in order to secure "immediately, on the Union of these Provinces, the commencement and vigorous prosecution of that "important work."

3. I must however observe, that as this is the first time in which any direct allusion has been made to the willingness of Canada to abide by the views of the Imperial Government, apart from the strict text of the Quebec resolutions, I could not have been expected to have sooner divined such willingness. It is however enough that it is announced now.

4. I would also very respectfully submit that my Government is scarcely liable to the imputation of either "oblivion" or "misapprehension" of matters which had attained such recent and general notoriety as the renewed engagements by the delegates in London for a loan to construct the railway; and still less so, as to the mention of that project in the 68th Quebec resolution, of which your Lordship is so good as to remind me.

5. On the contrary, it was on the ground that many persons in these Provinces regard the terms of that very resolution as insufficient, whether eventually embodied or not in an Imperial Act, that I ventured to draw your Lordship's attention to the subject.

6. I need scarcely repeat that my suggestions from the first were offered not with a view to satisfy any doubts of my own or my Council. Two members of the latter body had been nominated by me Delegates to the Quebec Convention. They were therefore parties to the articles agreed on, and then, as now, they considered the assurance contained in the 68th resolution quite sufficient to satisfy all

reasonable men ; and believed, as they still believe, that the projected railway would be carried out promptly and in good faith.

7. Nevertheless the question is not what ought to satisfy myself or my Council, but rather what it is politic to do for the purpose of satisfying many influential opponents of confederation, who see, or think they see, or pretend they see in the Quebec resolutions an insufficient security for a work, held out as a leading inducement to confederation.

8. The 68th Quebec resolution is represented by them as relegating too entirely to the future "General Government," and the future Ottawa Parliament, the execution of an important part of the confederation contract. They say that the present Canadian Executive is not competent to speak for the future Executive, of a different people and different Government, so as to foretel the mode in which the latter may execute a trust entirely consigned to them.

9. Now, although, in the event of confederation, the strong probability is that the leading statesmen of the present day would form that "General Government," and as members of it, would desire faithfully to carry out the pledges given by them as members of the Quebec Conference there is no absolute certainty in that prospect. On the contrary, there is just such a chance, however remote, of the first General Government being in a minority, as furnishes a pretext for those who are disposed to do so, to pretend that some rival project may obtain precedence in the new Parliament, notwithstanding the facilities offered by the guarantee of the Imperial Government for raising funds to construct the railway.

10. Now all the suggestions of myself and my Council from the first have had but one object, viz., to cut the ground completely from under the feet of the class of objectors above alluded to, whether sincere in their objections or not.

11. In dealing with them I distinctly stated that it was "not for me to point out the special mode" in which additional security for construction of the railroad might be procured. Perhaps that object cannot be better attained than by the interpretation now given by your Lordship on the *part of the Canadian Executive and Legislature* to the previous correspondence.

12. Such an authentic announcement of the willingness of Canada to acquiesce in any course to secure the commencement and vigourous prosecution of the intended railway which may be taken by so friendly and suitable an arbiter as the Imperial Government must be sufficient to terminate all doubt and cavilling.

13. It is immaterial whether that willingness to abide by the judgment of Great Britain had been sufficiently implied before, or whether it be now for the first time introduced, as an admitted inference from previous correspondence. Provided it be clearly expressed, whether late or early, its authority is equally unquestionable.

14. For my own part I candidly say that, if the willingness of Canada to acquiesce in any course to be taken by Her Majesty's Government, had been expressed earlier I should not have troubled your Lordship on the subject. Permit me to add however that I cannot regret having elicited so satisfactory and decisive an exposition of the real intentions of the Canadian Government.

I have, &c.

His Excellency the Right Hon. Viscount Monck, Governor General, &c. &c. &c.

(Signed) RICHARD GRAVES MAC DONNELL, Lieut.-Governor.

No. 15.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 48.)

Ottawa, June 8, 1866.

(Received, June 25, 1866.)

(Answered No. 70, June 30, 1866, page 47.)

SIR,

I HAVE the honour to enclose a copy of the speech with which I this day opened the session of the Canadian Parliament.

I have, &c.

The Right Hon. Edward Cardwell, MP., &c. &c. &c.

(Signed) MONCK.

Enclosure in No. 15.

EXTRACT.

HONOURABLE GENTLEMEN AND GENTLEMEN,

THE position which the great question of the Union of the Provinces of British North America has assumed is now such as to induce the expectation that the measure will be shortly carried into effect. I therefore hope and believe that it will be found practicable during the present session to adopt such proceedings as may be necessary for completing the details of the scheme as regards this Province, and I venture to express the confident expectation that the next Parliament which will be held within these walls will not be confined to an assembly of the representatives of Canada, but will embrace those of all the Colonies of British North America.

I am happy to be able to congratulate you on the general prosperity which pervades all classes of the community in the Province, and I pray that your councils may be guided by Divine Providence to secure that which is the true end of all government, the moral and material advancement of the great body of the people.

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No. 16.

No. 16.

Copy of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 113.) Ottawa, August 15, 1866.

(Received August 29, 1866.)

MY LORD, (Answered, No. 47, Sept. 5, 1866, p. 48.)

Aug. 15, 1866. I HAVE the honour to enclose a copy of the Speech with which I this day closed the Session of the Canadian Parliament.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

Encl. in No. 16.

Enclosure in No. 16.

EXTRACT FROM SPEECH:

HONORABLE GENTLEMEN, AND GENTLEMEN,

I REJOICE that you have completed your part of the plan for the Union of the Colonies of British North America, and I shall not fail to transmit to the Secretary of State for the Colonies, for presentation to Her Majesty, your address on this subject.

In bringing to a close the last Session likely to be held under the Act for the Union of the two Canadas, I congratulate the Parliament which that Law called into existence on the retrospect afforded by the events of the last quarter of a century in this Province.

You can mark during that period the firm consolidation of your institutions both political and municipal, the extended settlement of your country—the development of your internal resources and foreign trade—the improvement and simplification of your laws—and above all the education which the adoption of the system of responsible government has afforded to your statesmen in the well-tried ways of the British Constitution.

The same principles, the application of which has been attended with so much advantage in the smaller Union, will be the guide of your course in the larger sphere of action on which you are now about to enter, and I fervently pray that the blessings which you have hitherto enjoyed may be given in larger measure to that new nationality of which you will form a part and the dimensions of which will entitle it to a high place amongst the powers of the world.

No. 17.

No. 17.

Copy of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 115.) Ottawa, August 16, 1866.

(Received August 29, 1866.)

MY LORD, (Answered, No. 41, August 31, 1866, p. 48.)

I HAVE the honour to transmit to your Lordship an Address to Her Majesty the Queen from the Legislative Assembly of Canada, praying that Her Majesty will be graciously pleased to cause a measure to be submitted to the Imperial Parliament for creating Local Governments and Legislatures in Canada East and Canada West respectively after the union of the British North American Colonies shall have been completed.

I request that your Lordship will have the goodness to lay this Address before the Queen.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

Encl. in No. 17.

Enclosure in No. 17.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, humbly approach your Majesty, for the purpose of praying that Your Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament, to provide for the Local Government and Legislature of Lower and Upper Canada, respectively, when the union of the Provinces of British North America is effected, with provisions based upon the accompanying Resolutions, which were adopted by this House on Saturday the eleventh August, one thousand eight hundred and sixty-six. All which we, the Commons of Canada, humbly pray Your Majesty to take into Your gracious and favourable consideration.

(Signed) L. WALBRIDGE,
Speaker.

Legislative Assembly Hall,
Saturday, 11th August 1866.

(Sealed.)

RESOLUTIONS providing for the Local Government and Legislature of Lower and Upper Canada respectively when the Union of the Provinces of British North America is effected.

Resolved:

1. That by the 38th paragraph of the resolution of this House passed on the 3rd day of February 1865, for presenting an humble address to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government, with provisions based on the resolutions which were adopted at a Conference of Delegates from the said Colonies, held at the city of Quebec on the 10th of October 1864, it is provided that "for each of "the Provinces there shall be an Executive Officer, styled the Lieutenant-Governor, who shall be "appointed by the Governor-General in Council under the Great Seal of the Federated Provinces "during pleasure, such pleasure not to be exercised before the expiration of the first five years except "for cause, such cause to be communicated in writing to the Lieutenant-Governor immediately after "the exercise of the pleasure as aforesaid, and also by message to both Houses of Parliament within "the first week of the first session afterwards," and that by the 41st paragraph of the same resolution it is provided that "the Local Government and Legislature of each Province shall be constructed in "such manner as the existing Legislature of each such Province shall provide," and it is further now resolved that in the opinion of this House the appointment of the first Lieutenant-Governor shall be provisional, and that he should hold office strictly during pleasure.

2. That under and subject to the Constitution of the Federated Provinces the executive authority of the Lieutenant Governor of Lower Canada and Upper Canada respectively shall be administered by each of such officers according to the well-understood principles of the British Constitution.

3. The Great Seal of each Province of Lower Canada and Upper Canada shall be the same or of the same design in each of the said Provinces as that used in the said Provinces respectively at the time of the existing Union until altered by the Local Government.

4. That there shall be a Local Legislature for Lower Canada composed of two Chambers, to be called the Legislative Council and the Legislative Assembly of Lower Canada.

5. That there shall be a Local Legislature for Upper Canada, which shall consist of one Chamber, to be called the Legislative Assembly of Upper Canada.

6. That the Legislative Council of Lower Canada shall be composed of 24 members, to be appointed by the Crown under the Great Seal of the Local Government, who shall hold office during life, but if any Legislative Councillor shall for two consecutive Sessions of Parliament fail to give his attendance in the said Council his seat shall thereby become vacant.

7. That the members of the Legislative Council of Lower Canada shall be British subjects by birth or naturalization of the full age of 30 years, shall possess a continuous real property qualification in Lower Canada of 4,000 dollars over and above all incumbrances, and shall continue worth that sum over and above their debts and liabilities.

8. That if any question shall arise as to the qualification of a Legislative Councillor in Lower Canada the same shall be determined by the Council.

9. That the speaker of the Legislative Council of Lower Canada (unless otherwise provided by the Local Parliament) shall be appointed by the Crown from among the members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

10. That each of the 24 Legislative Councillors of Lower Canada shall be appointed to represent one of the 24 Electoral Divisions thereof mentioned in Schedule A. of the first chapter of the Consolidated Statutes of Canada, and such Councillor shall reside or possess his qualification in the division he is appointed to represent.

11. That the Legislative Assembly of Lower Canada shall be composed of the 65 members to be elected to represent the 65 Electoral Divisions into which Lower Canada is now divided under chapter 2 of the Consolidated Statutes of Canada, chapter 75 of the Consolidated Statutes for Lower Canada, and the Act 23 Victoria, chapter 1, or of any other Act amending the same in force at the time when the Local Government shall be constituted, as well for representation in the Local Legislature thereof as in the House of Commons of the Federated Provinces: Provided that it shall not be lawful to present to the Lieutenant-Governor for assent any Bill of the Legislative Council and Assembly of Lower Canada by which the limits of the electoral divisions mentioned in the schedule hereto annexed marked A. may be altered unless the second and third readings of such Bill in the Legislative Assembly shall have been passed with the concurrence of the majority of the members for the time being of the said Legislative Assembly representing the electoral divisions mentioned in said schedule marked A., and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor that such Bill has been so passed.

12. That the Legislative Assembly of Upper Canada shall be composed of 82 members, to be elected to represent the 82 constituencies in Upper Canada, such constituencies being identical, whether for representation in the Local Legislative Assembly or for representation in the House of Commons of the Federated Provinces, and which constituencies shall consist of the divisions and be bounded as is provided in the schedule hereto annexed marked B.

13. That until other provisions are made by the Local Legislature of Lower and Upper Canada respectively, changing the same in either of the said Provinces, all the laws which at the date of the proclamation constituting the separate Provinces of Lower Canada and of Upper Canada shall be in force in each of the said Provinces respectively, relating to the qualification and disqualification of any person to be elected or to sit or vote as a member of the Assembly of the Province of Canada, and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to returning officers and their powers and duties, and relating to the proceedings at elections, and to the period during which such elections may be continued, and relating to the trial of controverted elections and the proceedings incident thereto, and relating to the vacating of the seats of members, and to the

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issuing and execution of new writs in case of any seat being vacated otherwise than by a dissolution, shall respectively apply to elections of members to serve in the said the Legislative Assembly of Lower Canada and in the said the Legislative Assembly of Upper Canada.

14. That the Legislative Assembly of Lower Canada and the Legislative Assembly of Upper Canada respectively shall continue for four years from the day of the return of the writs for choosing the same and no longer, subject nevertheless to either the said the Legislative Assembly of Lower Canada or the said the Legislative Assembly of Upper Canada being sooner prorogued or dissolved by the Lieutenant-Governor of either the said Provinces respectively.

15. That there shall be a session of the Legislature of each of the said Provinces once at least every year, so that a period of 12 months shall not intervene between the last sitting of the Local Legislature in one session and the first sitting thereof in the next session.

16. That it is expedient that any Act of the Imperial Parliament which may be passed for the Union of the Colonies of British North America should contain a provision that the division and adjustment of the debts, credits, liabilities, properties, and assets of the Provinces of Upper and Lower Canada should be referred to the arbitrament of three arbitrators, one to be chosen by the Local Government of Upper Canada, the other by the Local Government of Lower Canada, and the third by the General Government; it being further provided that the selection of the arbitrators shall not take place until after the General Parliament for British North America and Local Legislatures for Upper and Lower Canada have been elected, and that the third arbitrator shall not be a resident in either Upper or Lower Canada.

SCHEDULE A.

Electoral Divisions in Lower Canada referred to in the above Resolutions.

Counties of Pontiac.	Counties of Shefford.
Ottawa.	Stanstead.
Argenteuil.	Compton.
Huntingdon.	Wolfe & Richmond.
Missisquoi.	Megantic.
Brome.	Town of Sherbrooke.

SCHEDULE B.

ELECTORAL DIVISIONS OF UPPER CANADA.

Divisions to stand with their present Boundaries.

Counties of Prescott, Glengarry, Stormont, Dundas, Russell, Carleton, Prince Edward, Halton, and Essex.

Ridings of counties:—Lanark North, Lanark South, Leeds and Grenville North Riding, South Riding Leeds, South Riding Grenville, Northumberland East, Northumberland West (less South Monaghan), Durham East, Durham West, Ontario North, Ontario South, York East, York West, York North, Wentworth North, Wentworth South, Elgin East, Elgin West, Waterloo North, Waterloo South, Brant North, Brant South, Oxford North, Oxford South, Middlesex East Riding.

Cities and towns:—Toronto East, Toronto West, Hamilton, Ottawa, Kingston, London, Brockville with the township of Elizabethtown, Niagara with the township of Niagara, Cornwall with the township of Cornwall.

New and altered Electoral Divisions.

District of Algoma.

County of Bruce divided into two ridings, to be called respectively the North and South Ridings.

The North Riding shall consist of the townships of Bury, Lindsay, Eastnor, Albemarle, Amabel, Arran, Bruce, Elderslie, and Saugeen, and the village of Southampton.

The South Riding shall consist of the townships of Kincardine (including village), Greenock, Brant, Huron, Kinloss, Culross, and Carrick.

The county of Huron divided into two ridings, to be called respectively the North and South Ridings:—

The North Riding shall consist of the townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett including village of Clinton, and McKillop.

The South Riding shall consist of the town of Goderich and the townships of Goderich, Tuckersmith, Stanley, Hay, Usborne, and Stephen.

The county of Middlesex divided into three ridings, to be called respectively the North, West, and East Ridings:—

The North Riding shall consist of the townships of McGillivray and Biddulph (taken from the county of Huron), and Williams East, Williams West, Adelaide, and Lobo.

The West Riding shall consist of the townships of Delaware, Carradoc, Metcalfe, Mosa, and Ekfrid, and the village of Strathroy.

The East Riding shall consist of the townships now embraced therein, and be bounded as it is at present.

The county of Lambton shall consist of the townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, and Brooke, and the town of Sarnia.

The county of Kent shall consist of the townships of Chatham, Dover, East Tilbury, Romney, Raleigh, and Harwich, and the town of Chatham.

The county of Bothwell shall consist of the townships of Sombra, Dawn, and Euphemia (taken from the county of Lambton), and the townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the county of Kent).

The county of Grey divided into two ridings, to be called respectively the South and North Ridings:—

The South Riding shall consist of the townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton, and Melancthon.

The North Riding shall consist of the townships of Collingwood, Euphrasia, Holland, Saint Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak, and Brooke, and the town of Owen Sound.

The county of Perth divided into two ridings, to be called respectively the South and North Ridings:—

The North Riding shall consist of the townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, and the town of Stratford.

The South Riding shall consist of the townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the villages of Mitchell and Ste. Marys.

The county of Wellington shall be divided into three ridings, to be called respectively North, South, and Centre Ridings:—

The North Riding shall consist of the townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the village of Mount Forest.

The Centre Riding shall consist of the townships of Garafraxa, Erin, Eramosa, Nichol, and Pilkington, and the villages of Fergus and Elora.

The South Riding shall consist of the town of Guelph, and the townships of Guelph and Puslinch.

The county of Norfolk shall be divided into ridings, to be called respectively the South and North Ridings:—

The South Riding shall consist of the townships of Charlotteville, Houghton, Walsingham and Woodhouse, and with the Gore thereof.

The North Riding shall consist of the Townships of Middleton, Townsend, and Windham, and the town of Simcoe.

The county of Haldimand shall consist of the townships of Oneida, Seneca, Caguya North, Caguya South, Rainham, Walpole, and Dunn.

The county of Monck shall consist of the townships of Canborough and Moulton and Sherbrooke, and the village of Dunville (taken from the county of Haldimand), the townships of Caistor and Gainsborough (taken from the county of Lincoln), and the townships of Pelham and Wainfleet (taken from the county of Welland).

The county of Lincoln shall consist of the townships of Clinton, Grantham, Grimsby, and Louth, and the town of St. Catharines.

The county of Welland shall consist of the townships of Bertie, Crowland, Humberstone, Stamford, Thorold, and Willoughby, and the villages of Chippeway, Clifton, Fort Erie, Thorold, and Welland.

The county of Peel shall consist of the townships of Chinguacousy, Toronto, and the Gore of Toronto, and the villages of Brampton and Streetsville.

The county of Cardwell shall consist of the townships of Albion and Caledon (taken from the county of Peel), and the townships of Adjala and Mono (taken from the county of Simcoe).

The county of Simcoe divided into two ridings, to be called respectively the South and the North Ridings:—

The South Riding shall consist of the townships of West Gwillimsbury, Tecumseth, Innisfil, Essa, Tossorontio, Mulmur, and the village of Bradford.

The North Riding shall consist of the townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the towns of Barrie and Collingwood.

The county of Victoria divided into two ridings, to be called respectively the South and North Ridings:—

The South Riding shall consist of the townships of Ops, Mariposa, Emily Verulam, and the town of Lindsay.

The North Riding shall consist of the townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville, and Morrison, Muskoka, Monck and Watt (taken from the county of Simcoe), and any other surveyed townships lying to the north of the said North Riding.

The county of Peterborough divided into two ridings, to be called respectively the West and East Ridings:—

The West Riding shall consist of the townships of South Monaghan (taken from the county of Northumberland), North Monaghan, Smith and Ennismore, and the town of Peterborough.

The East Riding shall consist of the townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the village of Ashburnham, and any other surveyed townships lying to the north of the said East Riding.

The county of Hastings divided into three ridings, to be called respectively the West, East, and North Ridings:—

The West Riding shall consist of the town of Belleville, the township of Sydney, and the village of Trenton.

The East Riding shall consist of the townships of Thurlow, Tyendinaga, and Hungerford.

The North Riding shall consist of the townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora and Lake, and the village of Stirling, and any other surveyed townships lying to the north of the said North Riding.

The county of Lennox shall consist of the townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernestown, and Amherst Island, and the village of Napanee.

The county of Addington shall consist of the townships of Camden, Portland, Sheffield, Hinchinbroke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough, and Bedford.

The county of Frontenac shall consist of the townships of Kingston, Wolfe Island, Pittsburg and Howe Island, and Storrington.

CANADA.

The county of Renfrew divided into two ridings, to be called respectively the South and North Ridings:—

The South Riding shall consist of the townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the villages of Arnprior and Renfrew.

The North Riding shall consist of the townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns and Richards, and any other surveyed townships lying north-westerly of the said North Riding.

Attest,

Clerk's Office, Legislative Assembly,
August 18, 1866.

WM. B. LINDSAY,
Clerk, L.A.

No. 18.

No. 18.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 116.)

Ottawa, August 16, 1866.
(Received August 29, 1866.)
(Answered, No. 42, August 31, 1866, page 48.)

MY LORD,

I HAVE the honour to transmit to your Lordship an Address to Her Majesty the Queen from the Legislative Council of Canada, praying that Her Majesty will be graciously pleased to cause a measure to be submitted to the Imperial Parliament for creating Local Governments and Legislatures in Canada East and Canada West respectively, after the union of the British North American Colonies shall have been completed.

I request that your Lordship will have the goodness to lay this address before the Queen.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Encl. in No. 18.

Enclosure in No. 18.

A Sa très-Excellente Majesté la Reine.

TRÈS-GRACIEUSE SOUVERAINE,

NOUS, les très-fidèles et loyaux sujets de Votre Majesté, le Conseil Législatif du Canada, réunis en Parlement Provincial, approchons humblement de Votre Majesté, pour prier Votre Majesté de vouloir bien gracieusement faire soumettre au Gouvernement Impérial une mesure pour créer un Gouvernement local et une Législature locale pour le Bas et le Haut Canada respectivement, après que l'Union des Provinces de l'Amérique Britannique du Nord aura été consommée, avec des dispositions basées sur les résolutions suivantes, qui ont été ce jourd'hui adoptées par le Conseil Législatif.

Résolutions.

Aux fins de créer un Gouvernement local et une Législature locale pour le Bas et le Haut Canada respectivement, après que l'Union des Provinces de l'Amérique Britannique du Nord aura été consommée.

Résolu que—

1. Par le 38e article de la résolution de cette Chambre adoptée le troisième jour de Février 1865, à l'éffet de présenter une humble adresse à Sa Majesté, la priant qu'il lui plaise gracieusement faire soumettre au Parlement Impérial une mesure, aux fins d'unir les Colonies du Canada, de la Nouvelle Ecosse, du Nouveau Brunswick, de Terreneuve et de l'Ile du Prince Edouard, en un seul Gouvernement, et ayant pour base les résolutions adoptées à une conférence de Délégués des dites Colonies, tenue en la cité de Québec le 10 Octobre 1864, il est décreté que "chaque province aura un officier "exécutif appelé Lieutenant-Gouverneur, lequel sera nommé par le Gouverneur-Général en conseil, "sous le grand sceau des Provinces Fédérées, et durant bon plaisir; mais ce bon plaisir ne devra pas "être exercé avant cinq ans accomplis, à moins qu'il n'y ait cause, et cette cause devra être commu- "niquée par écrit au Lieutenant-Gouverneur, immédiatement après sa démission, et aussi par message "aux deux Chambres du Parlement, dans la première semaine de la première session qui suivra;" et que par le 41e article de la même résolution, il est décreté que "les gouvernements et les parlements "des diverses provinces seront constitués en la manière que leurs législatures actuelles jugeront "respectivement à propos de les établir;" et il est de plus maintenant résolu que, dans l'opinion de cette Chambre, la nomination du premier Lieutenant-Gouverneur devrait être provisoire, et qu'il devrait tenir sa charge strictement durant bon plaisir.

3. Conformément et sujet à la constitution des Provinces Fédérées, le pouvoir éxécutif de Lieutenant-Gouverneur du Bas Canada et du Haut Canada respectivement, sera administré par chacun de ces fonctionnaires, suivant les principes de la constitution Britannique et le véritable esprit de cette constitution.

3. Jusqu'à modification par le Gouvernement local, le grand sceau de chacune des Provinces du Bas Canada et du Haut Canada sera, dans chacune de ces Provinces le même, ou d'après le même modèle, que celui usité dans chaque Province respective jusqu'à la date de l'union actuelle.

4. Il y aura pour le Bas Canada une Législature locale composée de deux Chambres, qui seront appelées le Conseil Législatif et l'Assemblée Législative du Bas Canada.

5. Il y aura pour le Haut Canada une Législature locale composée d'une seule Chambre, qui sera appelée l'Assemblée Législative du Haut Canada.

6. Le Conseil Législatif du Bas Canada sera composé de vingt-quatre membres nommés à vie par la Couronne, sous le grand sceau du Gouvernement local; mais tout Conseiller Législatif perdra son siége par le fait d'une absence continue de deux sessions consécutives.

7. Les membres du Conseil Législatif du Bas Canada devront être sujets Britanniques, nés ou naturalisés, avoir au moins trente ans, posséder et continuer à posséder en propriétés foncières, dans le Bas Canada, une valeur de quatre mille piastres, et sus de toute hypothèque, dettes et obligations.

8. Le Conseil Législatif dans le Bas Canada décidera toute question relative à la qualification ou au défaut de qualification de ses membres.

9. Le Président du Conseil Législatif du Bas Canada, à moins qu'il en soit autrement décidé par le Parlement local, sera un des Conseillers Législatifs et nommé par la Couronne, laquelle pourra à volonté lui conserver ou lui ôter sa charge. Il aura droit seulement à une voix prépondérante dans le cas d'une égale division des votes.

10. Chacun des vingt-quatre Conseillers Législatifs du Bas Canada sera nommé pour représenter l'un des vingt-quatre colléges électoraux indiqués dans la Cédule A., du premier chapitre des Statuts Refondus du Canada, et ce Conseiller devra résider ou posséder sa qualification dans le collége dont la représentation lui sera assignée.

11. L'Assemblée Législative du Bas Canada sera composée de soixante-cinq membres qui seront élus par les soixante-cinq colléges électoraux en lesquels le Bas Canada est actuellement divisé, sous l'autorité du chapitre deux des Statuts Refondus du Canada, du chapitre soixante-quinze des Statuts Refondus pour le Bas Canada, et de l'Acte vingt-trois Victoria, chapitre un, ou de tout autre Acte qui les amende, en vigueur à l'époque de la création du Gouvernement local, tant pour la représentation à sa Législature locale qu'à la Chambre des Communes des Provinces Fédérées; mais il ne sera pas loisible de présenter au Lieutenant-Gouverneur, pour obtenir son assentiment, aucun Bill du Conseil Législatif et de l'Assemblée Législative du Bas Canada, par lequel les délimitations mentionnées dans la Cédule ci-annexée marquée A. pourraient être modifiés, à moins qu'il n'ait été passé à ses deuxième et troisième lectures dans l'Assemblée Législative avec le concours de la majorité des membres composant alors l'Assemblée Législative représentant les divisions électorales mentionnées dans la dite Cédule marquée A., et l'assentiment ne sera donné à aucun Bill de cette nature, à moins qu'une adresse n'ait été présentée au Lieutenant-Gouverneur par l'Assemblée Législative, déclarant que tel Bill a été ainsi passé.

12. L'Assemblée Législative du Haut Canada sera composée de quatre-vingt-deux membres, qui seront élus par les quatre-vingt-deux colléges électoraux du Haut Canada, et ces colléges seront identiquement les mêmes, tant pour la répresentation dans l'Assemblée Législative Locale que pour la répresentation dans la Chambre des Communes des Provinces Fédérées, et ils se composeront des divisions et seront délimités en la manière indiquée dans la Cédule B. ci-annexée.

13. Jusqu'à ce que la Législature locale du Bas et du Haut Canada respectivement, en ait autrement décidé et les ait changées dans l'une ou l'autre province, toutes les lois qui, à la date de la proclamation qui constituera les provinces separées du Bas et du Haut Canada, seront en force dans chacune de ces provinces respectives, relativement à la qualification ou au défaut de qualification de toute personne pour siéger ou voter comme membre de l'Assemblée de la Province du Canada, ainsi qu'à la capacité ou à l'incapacité des electeurs, aux serments éxigés des votants, aux officiers rapporteurs et à leurs pouvoirs et devoirs, aux élections et au temps que celles ci peuvent durer, aux élections contestées et aux procédures y incidentes, aux vacations des siéges en Parlement, à l'émission et à l'éxécution des nouveaux brefs dans les cas de vacations occasionnées par d'autres causes que la dissolution du Parlement, s'appliqueront respectivement aux élections des Députés élus pour l'Assemblée Législative du Bas et pour l'Assemblée Législative du Haut Canada.

14. La durée de l'Assemblée Législative du Bas Canada, et de l'Assemblée Législative du Haut Canada, respectivement, sera de quatre ans, à compter du jour du rapport des brefs d'élection, à moins que l'Assemblée Législative du Bas Canada ou l'Assemblée Législative du Haut Canada ne soit prorogée ou dissoute plus tôt par le Lieutenant-Gouverneur de l'une ou de l'autre Province respectivement.

15. Il y aura une session de la Législature de chacune des Provinces, au moins une fois par année, de manière qu'il ne devra jamais s'écouler plus de douze mois entre la dernière séance d'une session et la première séance de la session suivante.

16. Qu'il est expédient que tout Acte du Parlement Impérial qui pourra être passé pour l'union des Colonies de l'Amérique du Nord Britannique contienne une disposition à l'effet que la division et le règlement des dettes, crédits, obligations, propriétés et dettes actives des provinces du Haut et du Bas Canada soient renvoyés à l'arbitrage de trois arbitres, dont l'un sera choisi par le Gouvernement local du Haut Canada, l'autre par le Gouvernement local du Bas Canada, et le troisième par le Gouvernement général, étant pourvu de plus que le choix des arbitres n'aura lieu qu'après que le Parlement général pour l'Amérique du Nord Britannique et les Législatures locales pour le Haut et le Bas Canada auront été élus, et que le tiers arbitre ne sera pas un résidant dans le Haut ni dans le Bas Canada.

CÉDULE A.

Divisions électorales dans le Bas Canada mentionnées dans les résolutions ci-dessus.

Comtés de Pontiac,	Comtés de Shefford,
„ Ottawa,	„ Stanstead,
„ Argenteuil,	„ Compton,
„ Huntingdon,	„ Wolfe et Richmond,
„ Missisquoi,	„ Mégantic, et
„ Brome,	La ville de Sherbrooke.

CANADA.

CÉDULE B.

DIVISIONS ÉLECTORALES DU HAUT CANADA.

Divisions qui doivent rester dans leurs limites actuelles.

Comtés de Prescott, Glengarry, Stormont, Dundas, Russell, Carleton, Prince Edouard, Halton et Essex.

Divisions de Comtés.—Lanark nord, Lanark sud, Leeds et Grenville division nord, division sud de Leeds, division sud de Grenville, Northumberland est, Northumberland ouest (moins Monaghan sud), Durham est, Durham ouest, Ontario nord, Ontario sud, York est, York ouest, York nord, Wentworth nord, Wentworth sud, Elgin est, Elgin ouest, Waterloo nord, Waterloo sud, Brant nord, Brand sud, Oxford nord, Oxford sud, Middlesex, division est.

Cités et Villes.—Toronto est, Toronto ouest, Hamilton, Ottawa, Kingston, London, Brockville avec le township d'Elizabethtown, Niagara avec le township de Niagara, Cornwall avec le township de Cornwall.

Nouvelles Divisions Electorales, et Divisions dont les limites sont changées.

District d'Algoma.

Le comté de Bruce partagé en deux divisions, qui seront appeleés respectivement les divisions nord et sud. La division nord se composera des townships de Bury, Lindsay, Eastnor, Albemale, Amabel, Arran, Bruce, Elderslie et Saugeen et du village de Southampton. La division sud se composera des townships de Kincardine (y compris le village), Greenock, Brant, Huron, Kinloss, Culross et Carrick.

Le comté de Huron partagé en deux divisions, qui seront appeleés respectivement les divisions nord et sud. La division nord se composera des townships d'Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, y compris le village de Clinton, et McKillop. La division sud se composera de la ville de Goderick et des townships de Goderick, Tuckersmith, Stanley, Hay, Usborne et Stephen.

Le comté de Middlesex partagé en trois divisions qui seront appeleés respectivement les divisions nord, ouest, et est. La division nord se composera des townships de McGillivray et Biddulph (pris du comté de Huron) et Williams est, Williams ouest, Adélaide et Lobo. La division ouest se composera des townships de Delaware, Carradoc, Metcalfe, Mosa et Ekfrid et du village de Strathroy. La division est se composera des townships qui y sont maintenant compris, et sera bornée comme elle l'est actuellement.

Le comté de Lambton se composera des townships de Bosanquest, Warwick, Plympton, Sarnia, Moore, Enniskillen et Brooke, et la ville de Sarnia.

Le comté de Kent se composera des townships de Chatham, Dover, Tilbury est, Romney, Raleigh et Harwick, de la ville de Chatham.

Le comté de Bothwell se composera des townships de Sombra, Dawn et Euphemia (pris du comté de Lambton), et des townships de Zone, Camden, et du Gore en dépendant, d'Orford et Howard (pris du comté de Kent).

Le comté de Grey partagé en deux divisions, qui seront appelées respectivement les divisions sud et nord. La division sud se composera des townships de Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton et Melanchton. La division nord se composera des townships de Collingwood, Euphrasia, Holland, St. Vincent, Sydenham, Sullivan, Derby et Keppel, Sarawak et Brooke, et de la ville d'Owen Sound.

Le comté de Perth partagé en deux divisions, qui seront appellées respectivement les divisions sud et nord. La division nord se composera des townships de Wallace, Elma, Logan, Ellice, Mornington et Easthope nord, et de la ville de Stratford. La division sud se composera des townships de Blanchard, Downie, Easthope sud, Fullarton, Hibbert, et des villages de Michel et Ste. Marie.

Le comté de Wellington sera partagé en trois divisions, qui seront appelées respectivement divisions nord, sud, and du centre. La division nord se composera des townships d'Amaranth, Arthur, Luther, Minto, Maryborough, Peel et du village de Mount Forest. La division du centre se composera des townships de Garafraxa, Erin, Eramosa, Nichol et Pilkington et des villages de Fergus et Elora. La division sud sera composée de la ville de Guelph et des townships de Guelph et Puslinch.

Le comté de Norfolk sera partagé en deux divisions qui seront appelées respectivement les divisions sud et nord. La division sud se composera des townships de Charlotteville, Houghton, Walsingham et Woodhouse, et du Gore en dépendant. La division nord sera composée des townships de Middleton, Townsend et Windham, et de la ville de Simcoe.

Le comté d'Haldimand se composera des townships d'Onéida, Seneca, Caguya nord, Caguya sud, Rainham, Walpole et Dunn.

Le comté de Monck se composera des townships de Canborough et Moulton et Sherbrooke, et du village de Dunville (pris du comté d'Haldimand), des townships de Caistor et Gainsborough (pris du comté de Lincoln), et des townships de Pelham et Wainfleet (pris du comté de Welland).

Le comté de Lincoln se composera des townships de Clinton, Grantham, Grimsby et Louth, et de la ville de S. Catharines.

Le comté de Welland se composera des townships de Bertie, Crowland, Hamberstone, Stamford, Thorold et Willoughby, et des villages de Chippewa, Clifton, Fort Erie, Thorold et Welland.

Le comté de Peel se composera des townships de Chinguacousy, Toronto et du Gore de Toronto et des villages de Brampton et Streetsville.

Le comté de Cardwell se composera des townships de d'Albion et Caledon (pris du comté de Peel), et des townships d'Adjala et Mono (pris de comté de Simcoe).

Le comté de Simcoe partagé en deux divisions, qui seront appelées respectivement les divisions sud et nord. La division sud se composera des townships de Gwillimsbury ouest, Tecumseth, Innisfil, Essa, Tossorontio, Mulmur et du village de Bradford. La division nord se composera des townships de Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia et Matchedash, Tiny et Tay, Balaklava et Robinson, et des villes de Barrie et Collingwood.

Le comté de Victoria partagé en deux divisions, qui seront appelées respectivement divisions sud et nord. La division sud se composera des townships d'Ops, Mariposa, Emily, Verulam et de la ville de Lindsay. La division nord se composera des townships d'Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay et Draper, Somerville et Morrison, Muskoka, Monck, et Watt (pris du comté de Simcoe), et de tous autres townships arpentés situés au nord de la dite division.

Le comté de Peterborough partagé en deux divisions, qui seront appelées respectivement les divisions ouest et est. La division ouest se composera des townships de Managhan sud (pris du comté de Northumberland), Monaghan nord, Smith et Ennismore et de la ville de Peterborough. La division est se composera des townships d'Asphodel, Belmont et Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope et Dysant, Otonabee et Snowden, et du village d'Ashburnham, et de tous autres townships arpentés situés au nord de la dite division est.

Le comté d'Hastings partagé en trois divisions, qui seront appelées respectivement les divisions ouest, est, et nord. La division ouest se composera de la ville de Belleville, du township de Sydney, et du village de Trenton. La division est se composera des townships de Thurlow, Tyendinaga et Hungerford. La division nord se composera des townships de Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora et du Lac, et du village de Stirling, et de tous autres townships arpentés situés au nord de la dite division nord.

Le comté de Lennox se composera des townships de Richmond, Adolphustown, Fredericksburg nord, Fredericksburg sud, Ernestown, et de l'île d'Amherst et du village de Napanee.

Le comté d'Addington se composera des townships de Camden, Portland, Sheffield, Hinchinbroke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Longborough et Bedford.

Le comté de Frontenac se composera des townships de Kingston, de l'Isle Wolfe, Pittsburg et de l'Isle Howe et Storrington.

Le comté de Renfrew partagé en deux divisions, qui seront appelées respectivement les divisions sud et nord. La division sud se composera des townships de McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol et des villages d'Arnprior et Renfrew. La division nord se composera des townships de Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, Algona sud, Algona nord, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns et Richards, et de tous autres townships arpentés situés au nord-ouest de la dite division nord.

Et le Conseil Législatif du Canada prie humblement Votre Majesté de prendre le tout en sa gracieuse et favourable consideration.

M. J. TESSIER,
Orateur du Conseil Législatif.

Conseil Législatif, Samedi,
11 Août, 1866.

No. 19.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 147.) Quebec, September 25, 1866.

MY LORD, (Received, October 10, 1866.)

REFERRING to your Lordship's Despatch, No. 39,* of the 31st ult., I have the honour to transmit for your Lordship's information an approved Minute of the Executive Council of this Province, stating the course which is proposed to be adopted by the Canadian Delegates on the subject of Union about proceeding to England, and the reasons on which that course is founded.

* Page 47.

I beg leave to add the expression of my own opinion that the leading members of my Administration ought not to leave the Province before the time mentioned in this minute.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure in No. 19.

COPY of a REPORT of a Committee of the Honourable the Executive Council, approved by His Excellency the Governor-General in Council, on the 24th September 1866.

THE Committee have had before them a Despatch, No. 39, dated 31st August 1866, from the Right Hon. the Secretary of State for the Colonies, stating that the Nova Scotia and New Brunswick delegates have been now for some weeks in England with a view to the discussion of the various questions relative to the Confederation of the British North American Provinces, and have repeatedly inquired of him the period by which their Canadian Colleagues may be expected.

That he shall be glad to be informed at the earliest possible date of the course which it is proposed by them to adopt.

His Lordship states that any unnecessary delay in the settlement of this question is very undesirable, and that also the prolonged detention of the delegates now in England is attended with much inconvenience to them and to the Governments of which they are members.

That if any appearance of impending Fenian disturbance should render it unfit for your Excellency to quit your post, or if the same causes should make the delegates feel that they cannot all of them leave the Province, it might deserve their consideration whether some of their number could repair at once to England to enter into the proposed discussion.

The Committee would respectfully state for the information of Lord Carnarvon that the Canadian Parliament at its first Session in 1865, after the meeting of the Quebec Conference, adopted Resolutions

CANADA.

approving the Scheme of Union proposed by that Conference, but that the Legislature of Nova Scotia declined to approve of that scheme, or to adopt resolutions in favour of an union of the Provinces until the spring of the present year, and the Legislature of New Brunswick did not adopt such resolutions until the latter part of the month of July.

That so soon as it appeared probable that Nova Scotia and New Brunswick would assent to a Scheme of Confederation, the Canadian Parliament was summoned, and measures to provide for the local Governments, which under the Quebec Scheme were required to be adopted by the existing Legislatures of the respective Provinces, were submitted for its consideration.

That while these measures were before Parliament, it was proposed by the Governments of Nova Scotia and New Brunswick, that Delegates from the three Provinces should assemble in England about the 1st of August, with the view of discussing and agreeing to a Bill for Confederation, to be submitted to the Imperial Parliament, which it was supposed would still be in Session.

That although the Canadian Government doubted that any measure based on the Resolutions of the Quebec Conference, could be prepared and carried through the Imperial Parliament at so late a period of the Session, they promised to advise your Excellency to send a delegation of their number to England, by the steamer of the 21st July, if the progress of legislation and the state of public business would permit.

That before the date mentioned, and before the Delegates for Nova Scotia and New Brunswick had sailed for England, your Excellency received information which convinced your Excellency that it would not be possible to carry through Parliament at its then Session, any Bill for the Confederation of the British North American Provinces.

That shortly afterwards and before the Delegates had left for England, your Excellency received notice of the resignation of Mr. Cardwell and his colleagues, and the accession of a new Government.

That in view of these circumstances your Excellency was advised to inform the Governors of Nova Scotia and New Brunswick, and your Excellency did inform them that as it was evident that no measure for Confederation could be prepared and carried through Parliament in the Session then about to close, the Canadian Delegates would not leave Canada at the time stated.

That the prorogation of the Imperial Parliament on the 12th of August proved that the apprehensions of the Canadian Government were well founded. If, therefore, the Delegates from Nova Scotia and New Brunswick had postponed their departure as they were requested to do, they would not have suffered the inconvenience to which Lord Carnarvon refers.

The Committee respectfully submit that it would not be expedient for any of the leading members of the Canadian Government to proceed to England while the Province is threatened with invasion by a formidable body of Fenian marauders from the United States.

The Committee believe that by the close of navigation this danger will be passed; or, if not, that such preparations will have been made to meet it that no apprehension need be felt for the result.

The Committee are further of opinion that as the next Session of the Imperial Parliament will not probably be held before February 1867, ample time will be afforded for the discussion of any question that may arise between the representatives of the Provinces and the Imperial Government if the Delegates assemble in England about the 20th of November.

They would, therefore, respectfully recommend your Excellency to inform Lord Carnarvon that the following gentlemen have been appointed by your Excellency, viz.: Hon. John A. Macdonald, Hon. Geo. E. Cartier, Hon. A. T. Galt, Hon. Wm. McDougall, Hon. W. P. Howland, and Hon. H. L. Langevin, and such other gentlemen as may be hereafter named to be the delegation on behalf of Canada, and that it is their intention to leave Canada for England on the 7th day of November next.

Certified,

W. A. HIMSWORTH,
Asst. C.E.C.

No. 20.

No. 20.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 150.) Quebec, September 28, 1866.
(Received October 10, 1866.)
(Answered, No. 80, October 18, 1866, page 50.)

MY LORD,

Sept. 24, 1866. I HAVE the honour to transmit herewith a copy of a telegraphic message which I addressed to your Lordship on the 24th instant.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Encl. in No. 20.

Enclosure in No. 20.
Lord Carnarvon, London.

Quebec, September 24, 1866.

All the Canadian Delegates intend sailing for England the 7th of November.

MONCK.

No. 21.

No. 21.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 152.) Quebec, October 1, 1866.
(Received October 23, 1866.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 50,* of September 13th, respecting the departure for England of the Canadian Delegates on the Union question.

* Page 49.

My Despatch, No. 147,* of September 25th, will have informed your Lordship of the time fixed by the Canadian Ministers for going to England, and of the reasons why a partial representation from Canada could not, in their opinion, be attended with any practical results.

* Page 25.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

No. 22.

No. 22.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(Separate.)

Quebec, November 3, 1866.
(Received November 21, 1866.)
(Answered, No. 100, November 22, 1866, page 50.)

MY LORD,

I BEG leave to introduce to your Lordship the Honourable William Macdougall, Provincial Secretary of this Province, and the Honourable Hector Langevin, Postmaster-General, who are about to proceed to England as two of the delegates nominated by the Executive Council of Canada to consult with your Lordship and the delegates from the Provinces of Nova Scotia and New Brunswick on the subject of the union of British North America.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

No. 23.

No. 23.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 184.)

Quebec, November 3, 1866.
(Received November 21, 1866.)
(Answered, No. 104, November 23, 1866, page 50.)

MY LORD,

REFERRING to your Lordship's Despatch, No. 63,* of September 26th and nclosure, I have the honour to transmit for your information a copy of an approved Minute of the Executive Council of this Province on the subject of that Despatch.

* Page 49.

In obedience to your Lordship's instructions I have already transmitted a copy of this Minute to the Lieutenant-Governor of Prince Edward Island.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure in No. 23.

Encl. in No. 23.

COPY of a REPORT of a COMMITTEE of the Honourable the Executive Council, approved by His Excellency the Governor-General in Council on the 22nd October 1866.

The Committee of Council have had under consideration the Despatch of the Colonial Secretary to Your Excellency of the 26th September last, and the accompanying resolution of the delegates from Nova Scotia and New Brunswick, and they now beg leave to report.

That the resolution referred to is as follows:—

"At a meeting of the Delegates from Nova Scotia and New Brunswick, held at the Alexandra Hotel, London, on the 22nd day of September 1866, all being present except the Hon. Mr. Wilmot, it was unanimously resolved that inasmuch as the co-operation of Prince Edward Island, though not indispensable to a union of the other British North American Provinces, is on many accounts very desirable, and as the settlement of the land question which has so long and so injuriously agitated that Colony, would be attended with great benefit, and at the same time place the local government of the island, by the possession of the proprietary lands, more on a footing with the other Provinces which have Crown Lands and minerals as a source of local revenue.

"Therefore resolved—

"That in case the Legislature of the Island should authorize the appointment of delegates to act in conjunction with those from the other Provinces in arranging a plan of co-operation prior to the meeting of the Imperial Parliament, the delegates from Nova Scotia and New Brunswick are hereby pledged to support the policy of providing such an amount as may be necessary for the purchase of the proprietary rights, but not to exceed eight hundred thousand dollars ($800,000)."

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It would seem from this resolution that the gentlemen from Nova Scotia and New Brunswick pledge themselves as delegates, and not as representing the governments of their respective Provinces, to support the policy of providing the amount mentioned.

As their powers will expire with the settlement of the scheme of union, it is to be inferred that their pledge can only be carried out by their advocating the insertion of a clause in the Imperial Act, binding the future Government and Legislature of United British North America to pay the sum of $800,000.

The Canadian Government do not consider that they have any power or right to consent to the payment of that or any sum without the previous consent of the Canadian Parliament, and they therefore cannot confer upon their delegates powers which they do not themselves possess.

The Committee fully appreciate the motives which induced the delegates from Nova Scotia and New Brunswick to adopt the resolution, and they agree with the delegation as to the desirableness of bringing Prince Edward Island into the contemplated union.

The Committee are of opinion that every proper exertion should be made for that purpose, and recommend that the subject of the adjustment of the land question should be fully discussed by the delegates from the three Provinces in London, in a liberal spirit. Should the result of the discussion be that in the opinion of the delegates pecuniary compensation should be given to the proprietors for the surrender of the proprietary rights, the Committee would further recommend that the Canadian Delegation be authorized to join with those from the Maritime Provinces in a strong representation to the first Government and Parliament of the united Provinces in favour of their granting the compensation agreed upon by them.

Certified,
W. H. LEE, C.E.C.

No. 24.

No. 24.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(Separate.)

Quebec, November 5, 1866.
(Received November 21, 1866.)
(Answered, No. 100, November 22, 1866, page 50.)

MY LORD,

I BEG leave to introduce to your Lordship the Honourable John Alexander Macdonald, Attorney-General for Canada West, the Honourable George Etienne Cartier, Attorney-General, Canada East, the Honourable William Howland, Finance Minister, and the Honourable Alexander T. Galt, M. P. P., who with the Honourable W. Macdougall and the Honourable H. Langevin introduced to your Lordship in my "Separate" Despatch of the 3rd instant,* constitute the delegation from Canada appointed to confer with your Lordship and the representatives of the other Provinces on the subject of the union of British North America.

* Page 27.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

No. 25.

No. 25.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

(No. 203.)

Quebec, November 29, 1866.
(Received December 14, 1866.)
(Answered, No. 119, December 17, 1866, page 50.)

MY LORD,

I HAVE the honour to transmit herewith to your Lordship an Address to Her Majesty the Queen from the Provincial Association of Protestant Teachers of Lower Canada, and to request that it may be laid at the foot of the Throne.

I have, &c.
(Signed) MONCK.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Encl. in No. 25.

Enclosure in No. 25.

To the Queen's most Excellent Majesty.

THE petition of the Provincial Association of Protestant Teachers of Lower Canada:

Humbly sheweth,

That notwithstanding the legislative union of Upper and Lower Canada, there exists in each portion of the United Provinces a distinct educational system.

That under the Educational Law of Lower Canada, and in consequence of the denominational character of the schools of the Roman Catholic majority, your Majesty's subjects professing the Protestant faith are subjected to serious disadvantages; first, in being deprived of the benefits of a general system of education similar to that enjoyed by their fellow subjects in Upper Canada; secondly, in their liability to be taxed for the support of Roman Catholic schools; and thirdly, in the difficulties

which they experience in establishing non-denominational or separate schools and seminaries of higher education for themselves.

That though the injury thus inflicted on education has been the subject of frequent complaints on the part of the Protestant population, and, as your petitioners believe, has tended to discourage the settlement of Protestants in this Province, and has caused many families to leave this country for others in which they might avoid such inconveniences, no remedy has hitherto been granted by the Legislature.

That in prospect of the confederation of the Provinces under the constitution adopted at the Quebec Conference, by which it was proposed that education should be under the control of the local Legislature, the Protestants of Lower Canada became alarmed lest they should continue to labour under these disadvantages; and to allay the feeling thus generally existing, solemn pledges were made by members of the Government that the grievances complained of should be redressed by parliamentary action before confederation.

That though a Bill for this purpose was introduced by Government in the last session of the Legislature, it was almost immediately withdrawn, and unless provisions to this end can be introduced into the Imperial Act of Confederation, your memorialists fear that their educational rights will be left to the control of the majority in the local Legislature without any guarantee whatever.

That while your petitioners would prefer a general and non-denominational system of education, they believe that, so long as the present system of separate schools shall continue in Lower Canada, they may justly claim the following privileges as constitutional rights, which should in no way depend on the vote of the local Legislature:—

1. That all direct taxes for the support of schools, paid by Protestants unless otherwise designated by themselves, should be applied to Protestant or non-denominational education, and that all public moneys given for the same purpose should be divided between Protestants and Roman Catholics in proportion to population.

2. That suitable and adequate provision should be made for the protection of the educational interests of Protestants in the management of educational funds, the establishment and proper classification of schools and institutions of superior education, and generally in the administration of educational affairs.

Wherefore Your petitioners humbly pray Your most Gracious Majesty to take their case, as above stated, into Your favourable consideration, with a view to the introduction of proper and just safeguards into the Imperial Act of Confederation should such Act be passed.

And Your petitioners will ever pray.

(Signed) J. W. DAWSON, LL.D., F.R.S., F.G.S., President of the Association.
JOHN H. GRAHAM, A.M., Vice President.
EDWIN HATCH, Clerk, B.A., Vice President.
P. J. DAREY, M.A., Secretary of the Association.

Montreal, November 23rd, 1866.

No. 26. No. 26.

COPY of a DESPATCH from Lieut.-General Sir J. MICHEL to the Right Hon. the Earl of CARNARVON.

(No. 6.)

Montreal, December 12, 1866.
(Received December 28, 1866.)
(Answered, No. 123, January 5, 1867, page 51.)

MY LORD,

I HAVE the honour to transmit herewith two Memorials to your Lordship, from the Roman Catholic Bishops of Canada East and Canada West respectively.

I have, &c.
(Signed) J. MICHEL.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure 1 in No. 26. Encl. 1 in No. 26.

To the Right Honourable the EARL OF CARNARVON, Principal Secretary of State to Her Majesty for the Colonies.

MAY IT PLEASE YOUR LORDSHIP,

AT a time when questions upon which the future happiness and prosperity of Canada entirely depend are being discussed, and a Bill is to be introduced into the Imperial Parliament which will effect a thorough change in the constitution and government of this country, we, the undersigned bishops of Upper Canada, consider it our duty to address your Lordship, and to demand respectfully that the interests of the Catholic population of Upper Canada be carefully guarded in the constitution about to be framed for the future government of British America.

During the last session of our Canadian Legislature, a Bill was introduced by one of the members of the present Government, with a view of securing for the Protestant minority of Lower Canada certain rights and privileges in establishing and governing their schools.

The Roman Catholic Bishops of Upper and Lower Canada, being at that time assembled in Montreal, addressed to His Excellency the Governor-General a memorial, in which they declared themselves quite willing to see their Protestant fellow citizens secure in the enjoyment of perfect freedom in educational matters. They at the same time urged the justice of granting to the minority in Upper Canada the same advantages which were demanded for the Protestant minority of Lower Canada.

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This demand, so evidently just, met with such violent opposition that the Government was forced to withdraw its proposed measure.

We now learn from the public papers that it is the intention of the Canadian Delegates to bring up this matter in London, and to secure for the Protestant minority of Lower Canada the rights which they sought to give them by the Bill which was introduced during the last session. We know not what it is the intention of the Delegates to do in favour of the Catholic minority in Upper Canada.

We rejoice to think that a matter of such vital importance is to be brought before a tribunal entirely free from all party feeling, where it will be carefully examined, the just claims of all dispassionately discussed, and a settlement arrived at which will give general satisfaction.

Moreover we are desirous of expressing to your Lordship our high regard for the members of our present Government. We know that they are truly liberal, that they are free from all sectarian animosity, and sincerely desirous to do justice to all. We confidently hope that they will not overlook the claims of the Catholic minority in Upper Canada, and that they will obtain for them the same rights and privileges that may be granted to the minority in Lower Canada.

Deeply impressed with the importance of this subject, we beg leave to bring the matter before your Lordship and to request that the claims of our people may receive due consideration.

The Catholics of Canada have ever been ready to concede to all perfect freedom in matters of education. The history of the Colony shows that whilst zealously watching over the education of our youth, the Catholic clergy have never, in any way, sought to restrict the rights of Protestants in the education of their children. But whilst we cheerfully grant to our Protestant fellow subjects this full liberty of action, we claim for ourselves the same right. We ask nothing but what we are ready and willing to give to others; at the same time we deem it our duty to declare solemnly that neither we nor the people we govern will ever be satisfied with less.

We respectfully desire to call your Lordship's attention to the absolute necessity of avoiding in the new Constitution about to be given to the Province of British North America every thing that might create disaffection in the minds of the people and be a foundation for future strife and dissension. It is of the highest importance that in a country like this, where there exists such a diversity of language, nationality, and religion, everything that might give rise to divisions or endanger the peace of society should be sedulously avoided. Now we humbly beg leave to say that by no means whatsoever can lasting peace and prosperity be secured except by giving to all an equal measure of justice, and by placing all, without distinction, on terms of perfect equality. But were other counsels unfortunately to prevail, were odious distinctions to be drawn, were the minority in Lower Canada to be secured in the possession of rights which would be refused to the minority in Upper Canada, then we might soon expect to reap the bitter fruits of so unwise and so unjust a policy.

The Catholics of Canada, headed by their bishops and priests, have always proved themselves to be loyal subjects of Her Gracious Majesty. We have ever been ready to do all in our power to strengthen the bonds which unite us so happily to the British Empire, and ensure to us the blessings of the British constitution. What we have hitherto done we shall continue to do with the same success as long as we are considered as subjects of Her Majesty and are treated as such. But should the wishes of some foolish and misguided men be accomplished, should it become apparent that the Catholic in Canada is not to be put on an equal footing with his Protestant fellow subjects, your Lordship must clearly see that our moral power over the feelings of our people would be greatly weakened, if not entirely destroyed, and that under such circumstance, were we even to continue to inculcate lessons of loyalty and obedience, our words would be of no avail, and all our efforts to sustain law and order would be useless.

If we have indulged in those reflections it is not, we beg to assure your Lordship, from any sentiment of fear or distrust. We are convinced of the fairness and justice of our demands. We place entire confidence in the noble Lord whom our beloved Queen has appointed to watch over the interests of Her subjects in this distant portion of Her vast empire. We confidently hope that the just demands which we make in the name of upwards of 258,000 who constitute the Catholic minority of Upper Canada will be granted; that equal privileges and equal guarantees will be given to the minorities in Upper and Lower Canada with respect to educational matters, and that peace among all classes will be permanently established.

The Protestant population of Lower Canada is 165,000.

And your memorialists, as in duty bound, will ever pray.

✝ Jos. EUGENE, Bishop of Ottawa.
✝ JOHN FARRELL, Bishop of Hamilton.
✝ ADOLPHE, Bishop of Sandwich.
✝ E. J., Bishop of Kingston.
✝ JOHN JOSEPH LYNCH, Bishop of Toronto.

Kingston, November 8th, 1866.

Encl. 2 in No. 26.

Enclosure 2 in No. 26.

To the Right Honourable the Earl of CARNARVON, Her Majesty's Principal Secretary of State for the Colonies.

MAY IT PLEASE YOUR LORDSHIP,

THE undersigned, the Roman Catholic Bishops of Lower Canada, after having attentively read the memorial addressed to your Lordship by the Roman Catholic Bishops of Upper Canada, deem it their duty to declare in the most solemn manner that they entirely concur in all the demands contained in the memorial, because they consider them to be founded on principles of common justice.

Having ever been ready to concede to all, without exception, the fullest measure of liberty in the matter of education, the undersigned feel that they have the right to demand that their people be put in possession of that same liberty and in the enjoyment of all privileges that may be granted to others.

The undersigned are deeply impressed with the conviction that unless the question of education, which has been an embarrassment for successive Canadian administrations, and a fruitful source of dissensions and heart-burnings among the people, be now finally and permanently settled by the Imperial Government, it will still continue to cause trouble, and will produce in a not distant future the most deplorable results.

The undersigned therefore unite with the Bishops of Upper Canada in requesting respectfully that your Lordship would give to this grave question all the attention it deserves, and that a clause be inserted in the new Constitution about to be given to these Provinces, assuring to the Catholics of Upper Canada, who form a strong minority in that portion of the Province, all the rights and privileges which may be conceded to the Protestant minority in Lower Canada.

And your memorialists, as in duty bound, will ever pray.

✝ C. F., Bishop of Floa, Administrator of Quebec.
✝ Ig., Bishop of Montreal.
✝ THOMAS, Bishop of Three Rivers.
✝ C., Bishop of St. Hyacinthe.

Quebec, November 21st, 1866.

No. 27.

COPY of a DESPATCH from Lieut.-General Sir J. MICHEL to the Right Hon. the Earl of CARNARVON.

(No. 8.)

Montreal, December 13, 1866.
(Received December 28, 1866.)
(Answered, No. 124, January 7, 1867, page 51.)

MY LORD,

I HAVE the honour to transmit herewith a letter addressed to your Lordship by the Honourable A. A. Dorion, together with a memorial on the subject of the Confederation of the British North American Colonies, signed by himself and by other members of the Provincial Parliament.

I have, &c.
(Signed) J. MICHEL.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure in No. 27.

To the Right Honourable the Earl of CARNARVON, Principal Secretary for the Colonies.

MY LORD,

Montreal, December 12, 1866.

I HAVE had the honour of receiving a letter dated the 23rd of November, written by your Lordship's direction, acknowledging the receipt of a communication respecting the proposed Confederation of the British North American Provinces, addressed to your Lordship by 20 Lower Canadian Representatives.

I now beg leave to enclose a duplicate of that communication, which was forwarded in the first instance without the intermediation of the Governor, in order to place your Lordship in possession at the earliest possible moment of considerations believed to be important on a subject of great interest, not only to Canada but also to the other Provinces and to the empire, under the impression (erroneous), I am now informed, it was not of a character to bring it necessarily within the operation of the rule to which your Lordship has directed my attention.

I have, &c.
(Signed) A. A. DORION.

Sub-Enclosure in No. 27.

To the Right Honourable the Earl of CARNARVON, Her Majesty's Principal Secretary of State for the Colonies.

MY LORD,

As it has been announced that Delegates from the Canadian Government will shortly proceed to England to confer with Her Majesty's imperial advisers respecting the proposed Confederation of the British North American Provinces with the view of urging legislation on the subject at the next Session of the Imperial Parliament, we deem it our duty, as the representatives in Parliament of 20 populous constituencies in Lower Canada, to submit to your Lordship some considerations which we venture to hope will not be thought wholly undeserving of attention by those with whom rests the responsibility of deciding whether this important subject is to be regarded as already ripe for final legislation, or ought to await the further development and more authentic expression of popular opinion in the Provinces. Numbering nearly a third of the representatives of Lower Canada, we are convinced that on this subject we reflect the opinions of a majority of Her people.

We assume that Her Majesty's Government, adhering to the wise policy which for a quarter of a century has been productive of the most beneficent results, the policy of conceding to Colonies possessing representative institutions all the rights of local self-government, including the right to remodel to suit their varying circumstances those institutions themselves, has no desire to impose this scheme of Confederation on the Provinces from motives of imperial policy. Indeed we can discern no imperial object consistent with a desire to preserve the connexion between the Colonies and the mother country that would be promoted by a Federal Union of these Provinces accomplished without the full consent or contrary to the known wishes of their people. If it should appear that the people of this Province, so far from having consented to the sweeping changes in their institutions and in their relations to the other Provinces and to the Empire contemplated by this scheme of Confederation, have never had an opportunity of pronouncing a decision upon the question, a proper regard for their rights and every principle of sound statesmanship would seem to require the postponement of the final determination of the Imperial Government. If the measure be a good one and the people are really in favour of

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it, no injurious consequences can flow from the delay of a year during which the public sentiment in regard to it can be tested in the usual constitutional manner, while if it be carried now without this precaution and it should subsequently be found to be unacceptable to the majority of the people in any of the Provinces, an event which we believe is certain to occur in Lower Canada—angry agitation for its repeal or for other constitutional changes would inevitably arise—inaugurating an era of instability and discontent prejudicial in the last degree to every interest in the Provinces, and exceedingly irksome to the statesmen of the Empire.

We have intimated that the people of this Province have never had an opportunity to express their approval or disapproval of the proposed Confederation, and in support of this statement we now proceed to trace the steps by which the question has been brought to its present position.

From time to time, during the last 30 years, the union of these Provinces has been advocated by public men and public writers of more or less prominence, both in the Colonies and in the mother country, but no practical step looking to its accomplishment was taken by public men of Canada, acting under Ministerial responsibility, until 1859. Early in that year Messrs. Cartier, Ross, and Galt, while in England on public business, addressed a despatch to the Secretary of State for the Colonies, in which they recommended a Federal Union of all the British North American Provinces as a means of reconciling the conflicting claims of Upper and Lower Canada respecting the basis of representation under the existing Union. The question discussed in this despatch was not, however, submitted to Parliament in any definite form on the return of the signers to Canada, nor during the whole term of office, extending to 1862, of the administration to which they belonged. Mr. John A. Macdonald, then as now the leader of the Conservative party in Upper Canada, and the leading mind of the Administration, was in declared opposition to the principle of Federation, whether applied to all the Provinces or to Canada alone down to the ministerial crisis of June 1864. Mr. Brown, the leader of the Liberal party in Upper Canada, though favouring the adoption of a Federal Union between Upper and Lower Canada, if representation based on population were not conceded to Upper Canada, was opposed to a Federal Union of all the Provinces. In Lower Canada the members of both political parties, with here and there individual exceptions, rejected all propositions looking to immediate union, either Legislative or Federative, with the Maritime Provinces. Indeed the publication of the despatch already referred to led to a condemnation of the project, so prompt, so general, and so decided, that from 1859 down to the ministerial crisis in June 1864 the question of a union of all the Provinces had no influence on the politics of the country, was rarely mentioned in Parliament or discussed in the public journals, and was not at all in issue, either at the general election of 1861 or that of 1863. In the latter year the present Parliament was elected. Neither in Upper nor in Lower Canada did the candidates of any political party avow a desire or a purpose to compass the overthrow of the existing constitutional system to which the people had become strongly attached. True there were some difficult political problems to be solved, but they were certain to find a solution without resorting to organic changes by the exercise of ordinary patience on the part of the people and of even common place statesmanship on the part of their leaders. True, too, there had been errors, and perhaps worse than errors, of administration, and extravagant—even profligate—expenditure; but these evils are incident to every form of government, while, under representative institutions, the people have the remedy in their own hands, a remedy which the people of Canada would undoubtedly have applied with great thoroughness if they had not been diverted from their purpose by the extraordinary movement to change their whole system of government which we shall presently have occasion to explain. The election of 1863 turned mainly on the questions of a practical character we have just referred to. The result gave to the Liberal ministry of the day, whose most pressing task was the restoration of the finances from the great disorder into which they had been thrown under their predecessors, only a narrow majority, so narrow indeed that, finding themselves unable to command the Parliamentary support required to carry comprehensive measures of financial and administrative reform, they resigned early in the session of 1864. Their opponents returned to office. There was no pretence of a constitutional difficulty; no necessity for constitutional changes was alleged. A simple change of administration took place. A few weeks later a debate arose in Committee of Supply touching the acts of ministers when previously in office. This led to a resolution condemning specifically one of their acts being offered by the opposition. On the motion for going into Committee of Supply on the 14th June 1864 it was moved, in amendment, "That an humble address be presented to his Excellency the "Governor General, representing that in June 1859 an advance of $100,000 was made from the public "chest without the authority of Parliament for the redemption of bonds for a like amount of the city "of Montreal, which bonds were redeemable by the Grand Trunk Railway Company; that by the "terms of the Order in Council of the 1st June 1859 the Receiver General was authorized to redeem "the said bonds on account of the city of Montreal, and to hold the same till the amount so advanced "($100,000), with interest at six per cent., be repaid to the Government by the city of Montreal, "subject to the condition that the said city do immediately levy the necessary rate to meet their "indebtedness under the Municipal Loan Fund Act, and that the amount so advanced be repaid "within three months; that the city of Montreal having fulfilled the condition of paying its indebted-"ness under the Municipal Loan Fund Act, the bonds in question were delivered by the Receiver "General to the City Treasurer on the 13th September 1859, whereby all claim against the city of "Montreal was relinquished; that under the instructions of the then Minister of Finance, conveyed in "a letter dated London, 28th December 1859, addressed to Mr. Reffenstein of the Receiver General's "Department, the amount of the said advance was transferred to the debit of the financial agents of "the Province in London, who deny that they ever consented to become liable therefor; and that in "view of the facts above recited this House would be failing in its duty if it did not express its disap-"probation of an unauthorized advance of a large amount of public money and of the subsequent "departure from the conditions of the Order in Council under which the advance was made." This resolution was regarded by ministers as one of want of confidence, and was carried by a majority of two. The resolution and the debate upon it had reference solely to administrative acts coming appropriately under the review of Parliament, and a parliamentary condemnation of ministers was the result.

A crisis of several days duration followed this vote. Ministers advised his Excellency the Governor

General to dissolve the House. This advice his Excellency, after considerable delay, and it is believed with some hesitation, if not reluctance, finally accepted. Ministers, however, were obviously unwilling to resort to a dissolution on the issue raised by the resolution just quoted, as the elections must have turned wholly on the merits of their previous administration of the finances, in respect to which there was a strong and wide-spread feeling of dissatisfaction. To avert an appeal to the country on so inconvenient an issue, and to evade at the same time the consequences of the pointed condemnation just pronounced by Parliament, negotiations for an Upper Canadian coalition were opened with Mr. Brown, a leading member of the Upper Canadian opposition. These negotiations resulted in the accession to office of Mr. Brown and two of his friends, no change being made in the *personnel* of the Lower Canadian section of the Administration. This rehabilitation of a defeated and condemned Administration was accomplished by means of an agreement that the consent of the Maritime Provinces to a Federal Union of all the Provinces should be sought during the Parliamentary recess, and that, failing to obtain such consent before the re-assembling of Parliament in the January following, a plan of a Federal Union, applicable to Canada alone, should then be brought forward.

Thus was formed a coalition between men who had been for years in violent political and personal hostility, for the purpose of carrying either a measure to which both parties had been previously opposed, or in the not improbable event of its failure, another measure to which one of the parties had been even more strenuously opposed. The project of a Federal Union of Canada alone had, from its inception, been denounced by Messrs. Macdonald and Cartier in the language of derision and scorn. Now, however, to gain the support of a section of their opponents, and thereby obviate a dissolution which they clearly foresaw would result in disastrous defeat to their party and in the approval by the country of the condemnation of themselves just pronounced by Parliament, these gentlemen adopted the project as their own, and were prepared to carry it, as they now propose to carry the Scheme of Confederation, without consulting the people, if only the assent of a Parliament, elected without any reference to organic changes, could be obtained.

It is proper that we should now refer to proceedings which are sometimes alleged to have exerted an important, but which we believe to have had no appreciable, influence on the course of events. We allude to the appointment of a committee of the House of Assembly on motion of Mr. Brown in the Session of 1864 to inquire into the subjects embraced in the despatch of Messrs. Cartier, Galt, and Ross to the Colonial Minister in 1859, and to the report of that Committee which was in the following words:—"The Committee have held eight meetings, and have endeavoured to find some solution for "existing difficulties likely to receive the assent of both sections of the Province. A strong feeling "was found to exist among the members of the Committee in favour of changes in the direction of a "Federative system applied either to Canada alone or to the whole of the British North American "Provinces, and such progress has been made as to warrant the Committee in recommending that the "subject be again referred to a Committee at the next Session of Parliament." This report was not acted upon by the House, and was regarded by every one as being, what it in fact describes itself to be, a mere prelude to further inquiry and ampler discussion. But faintly even as this report points to the possible adoption of a "Federative System," it was opposed in Committee by John A. Macdonald, then as now the leader of the House, but who is now striving to impose a "Federative System" on his countrymen, without ascertaining, in the only way known to our Constitution, whether they share his present views or adhere to those he uniformly expressed down to the crisis of June 1864.

The Canadian Cabinet having been reconstructed in the manner and for the purposes we have described, it was thought to be necessary, as a preliminary to negotiations with the Maritime Provinces for their union with Canada, to secure the defeat, or at least the postponement, of the project of a Legislative union between Nova Scotia, New Brunswick, and Prince Edward Island, the initial steps towards which had with the sanction of Her Majesty's Government been taken by the Governments and Legislatures of the three Provinces. In this the Canadian Ministers were successful. We think it is to be regretted that a different course was not pursued, for the union of these three small Provinces, two of them contiguous to each other, and the third separated from the main land by a narrow strait, with homogeneous populations and similar laws and institutions, if it could be accomplished on acceptable conditions, would seem a natural and desirable arrangement, either with or without reference to their ultimate union with Canada; while in view of the later event, the previous consolidation of the smaller Provinces would obviate many difficulties and render possible the adoption of a less complicated and costly system of government than would be necessary if they should enter the proposed Confederation as separate Provinces. Our Ministers, however, in their haste to achieve in a few weeks what, to be well done, should be the work of years, ignored these obvious considerations and persuaded the representatives of the three Provinces assembled at Charlotte Town in September 1864 to abandon the object for which they had been appointed until a conference of delegates from all the Provinces could be held to consider the question of a general union.

A motive for the extraordinary course pursued by the Canadian Government may perhaps be deduced from the conditions on which Mr. Brown became a member of it. He stipulated, it will be remembered, that, failing to obtain the assent of the Maritime Provinces to a general scheme of union before the next meeting of the Canadian Parliament, the Government should then be bound be submit a measure providing a Federative System for Canada alone, a project which had always been extremely obnoxious to Mr. Brown's Conservative colleagues. Though they had pledged themselves to bring it forward in a certain contingency, they were naturally anxious that the contingency should not arise. Hence the eagerness with which something that could be represented as implying the assent of the Maritime Provinces to Confederation was sought, and hence also the motive, though a very inadequate one, for thwarting the movement which had made such hopeful progress for the union of the Maritime Provinces.

Delegates from all the Provinces appointed by their several Governments, though without previous parliamentary authority, assembled at Quebec in October 1864, and the result of some days deliberation with closed doors was what is known as the Quebec scheme embodied in a series of 72 resolutions.

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These resolutions when approved by the several Provincial Legislatures were to form the basis of an Act of the Imperial Parliament, superseding the present constitutions of all the Provinces. The Canadian Parliament met in the following January, and was asked by the Government to adopt an address to Her Majesty, praying for the passage of an Imperial Act founded on the resolutions of the Quebec conference, without having considered those resolutions in committee, or passing upon them *seriatim* in any way. This course was objected to, but fruitlessly, as being wholly at variance with established parliamentary usage both in England and in this country, and the more effectually to shut out all consideration of details the *previous question* was moved by the Government. While the debate on this address was in progress many numerously attended public meetings were held in Lower Canada, and petitions praying that the scheme of Confederation might not be adopted without a constitutional appeal to the people were pouring into Parliament when the result of the general election in New Brunswick became known. As the popular verdict in that Province was overwhelmingly adverse to the scheme, there seemed to be no probability of its consummation during the term of the present Canadian Parliament, and the popular agitation in Lower Canada consequently ceased. Notwithstanding the emphatic rejection of the scheme by the people of New Brunswick the Canadian ministers pressed the question to a vote, and though there was a large majority of the whole house in favour of the address, a strong minority of Lower Canadian representatives voted against it.

The actual Lower Canadian vote on the main question was 37 to 25, while on subsequent motions, respecting an appeal to the people, several of the members composing this majority voted with the minority. The minority would undoubtedly have been swoollen to a majority but for the extra parliamentary promises of special favours to particular interests, made by the Government to the representatives of those interests, to induce them to vote for the Government Scheme. To show that this grave assertion is not lightly hazarded, we propose to state some facts which are, we believe, without parallel in British or Colonial parliamentary history.

Considerable uneasiness was felt by the English speaking minority in Lower Canada, respecting their possible position under the proposed Confederation, involving, as it did in respect to an important class of questions, their political separation from the people of their own race in Upper Canada. This uneasiness was shared by their Representatives in Parliament, and it became necessary to remove it in order to secure their votes for the Scheme. On the 2nd of March, while the debate on Confederation was in progress, several of these gentlemen communicated with Mr. Galt, whom they regarded as their representative in the Cabinet, touching the guarantees which they desired the pledge of the Government to have incorporated in the local constitution for Lower Canada, a subject not then under the consideration of Parliament, and which was only to be submitted for consideration at the next Session. On the 7th of March, *three days before the vote was taken*, Mr. Galt addressed a letter to these gentlemen, in reply to a letter from them dated the 2nd of March, promising on the part of the Government:—

1. That there should be a provision in the Local Constitution, that no change in the limits of constituencies, now returning English-speaking members, should be made without the consent of two-thirds of the representatives of such constituencies present.

2. That there should be no changes in the limits of municipalities in the counties so represented, except under the General Municipal Law of Lower Canada.

3. Various changes in the Education Laws of Lower Canada, in the interest of the Protestant minority.

4. The assent of Government to the purchase, by county or township municipalities, or unconceded Crown lands within their limits.

These promises were, it is presumed, considered satisfactory by the members of the Assembly, to whom they were addressed, since all of them who were present voted for the Government Scheme; while, if their votes had been cast on the other side, as it is fair to assume they would have been but for these pledges, privately and secretly given (thus given instead of publicly in Parliament, lest other interests should take the alarm or exact other concessions), that scheme would have been rejected by a majority of the Representatives of Lower Canada. This curious episode has been followed by consequences not less curious. During the late Session of Parliament, the Government abandoned a measure intended to fulfil the most important of these pledges, that relating to the School Laws of Lower Canada. Mr. Galt thereupon resigned, declaring at the same time with strange inconsistency, that his colleagues were right in abandoning the measure, although they, equally with himself, were pledged to carry it as an integral part of their Confederation policy, which we have shown would have broken down at a critical moment but for this very pledge.

The Government of New Brunswick, with a just appreciation of the rights of the constituent body, dissolved Parliament, before inviting its concurrence in the resolutions of the Quebec conference. The result, as we have already stated, was the return of an overwhelming majority opposed to the Scheme. In the spring of the present year another dissolution of the Parliament of New Brunswick took place. A Government favourable to confederation had just previously been formed, and, as it is asserted, by the unscrupulous use of the influence of the Crown, and still more by representing the issue as one in which the loyalty of the people was concerned, they succeeded in securing the election of a majority favourable to the general principle of confederation. The Quebec Scheme, however, was not accepted by the people of New Brunswick in this election, for nearly all the Government candidates, including the members of the Government themselves, found it necessary to avow their dissent from that Scheme or from some of its leading features. When the new Parliament assembled, ministers did not venture to submit for concurrence or even as the basis of an act of union, the Quebec resolutions, but confined themselves to moving an address to Her Majesty, couched in the most general terms.

The Government of Nova Scotia did not dissolve Parliament, nor in the Session of 1865 did they ask it to affirm the Quebec resolutions. In the Session of 1866 an address to Her Majesty was adopted, expressing in general terms a desire for a federal union of the Provinces, but carefully avoiding the slightest endorsement of the Quebec Scheme. It is well known that this course was pursued,

because no proposition affirming, even in general terms, an approval of that scheme would have received the support of a majority of the House of Assembly.

Prince Edward Island expressly and unequivocally rejected the Quebec Scheme, and has not thus far evinced a desire or willingness to form part of a general Confederation on any terms; and in Newfoundland, though a general election has taken place since the Quebec conference was held, the resolutions of that conference have not been approved by the Legislature; and no steps similar to those taken in Nova Scotia and New Brunswisk, looking to a union on other terms, have been adopted. It may be assumed, therefore, that it is not proposed to embrace the Insular Provinces in any plan of confederation to be submitted to the Imperial Parliament at its next Session. And we may consider the question as affecting, for the present at least, only the Provinces of Canada, New Brunswick, and Nova Scotia.

What then is the present position of the question? The Governments of New Brunswick and Nova Scotia have sent Delegates to England to urge forward a union, but on terms different from those agreed to by the Quebec Conference. The Canadian Government is about to dispatch Delegates to England to obtain an Act of Union, embodying the very terms agreed to by the Quebec Conference. The members of the Canadian Government are bound by repeated and explicit pledges, given from their places in Parliament, to see that the provisions of any Act of Union assented to by them shall be in strict conformity with the Quebec resolutions. The members of the Governments of New Brunswick and Nova Scotia, on the other hand, are pledged to obtain essential modifications of the Quebec Scheme, before the Union is consummated with their consent. If an Act be passed adhering strictly to the terms of the Quebec resolutions, is there not some danger that in Nova Scotia and New Brunswick disappointment, arising out of violated confidence, may speedily develope into aggravated forms of discontent? On the other hand, if the Act does not adhere closely to the terms of the Quebec resolutions, is there not equal danger that the people of Canada, smarting under a sense of broken faith, will be from the very start dissatisfied with their new form of Government? The conflicting aims and pledges of the several Provincial Governments, who agree only in desiring some kind of union, but differ widely with regard to the conditions of that union, show conclusively, we respectfully urge, the extreme impolicy of dealing with the subject at all at the approaching Session of the Imperial Parliament. The present Parliament of Canada expires next summer; that of Nova Scotia expires next spring. We would say, let general elections in both Provinces take place at the regular periods fixed by law. These elections will necessarily turn on the question of Confederation. The desirableness of confederation, and the conditions on which it would be acceptable, if thought to be desirable, would be fully discussed, and the result would be the election of Parliaments, representing the settled convictions and the matured purposes of the people. The decisions of Parliaments, elected under these circumstances, if favourable to confederation, would go far towards ensuring the success of a system, which at best can only be regarded as an experiment, which, if tried at all, ought only to be tried under the most favourable conditions; while if they were adverse to confederation, that fact alone would demonstrate the wisdom of the delay for which we plead.

We have endeavoured to show that the initiation of this project of confederation, and all the subsequent steps taken to promote it, are to be traced to the party or personal exigencies of Canadian politicians, and not to a spontaneous or general desire among the people for fundamental changes in their political institutions, or in their political relations. We have endeavoured to show that in none of the Provincial Parliaments have the details of the project been considered in the sense in which the clauses of a Bill are considered; that in Canada and Nova Scotia the people have not had an opportunity of pronouncing upon either the principle or the details; and that in New Brunswick, where an election was recently held, the people cannot be said to have assented to the Quebec Scheme, which is the only definite plan of union now under consideration.

If these positions cannot be successfully assailed the argument for delay would seem to be unanswerable whatever may be thought of the general question of confederation, or of the particular scheme agreed to by the Quebec Conference.

We believe that confederation in any form is unsuited to the present circumstances of the Provinces; and that there are defects so radical, and inconsistencies so glaring, in the Quebec plan, that it could never be brought into successful operation, even if it should be found possible to reduce it, in its integrity, to the form of a coherent Act of Parliament, in harmony with the spirit of British institutions and British legislation. We refrain, however, from troubling your Lordship with any lengthened observations, either on the general question or on the particular scheme. We assume that the single aim of Her Majesty's Government will be to give effect to the well-understood and clearly-expressed wishes of the people of the Provinces. We have striven to show that no adequate expression of their wishes respecting confederation has been given, and that the whole subject ought consequently to be remitted back to them. In that event our appropriate sphere for the discussion of it would be here. We limit ourselves, therefore, to an earnest plea against precipitancy on a subject that concerns the highest and most enduring interests of our country, against an irreversible conclusion being drawn from erroneous or unauthenticated premises. A plea in short for delay.

We seek delay, not to frustrate the purposes of a majority of our countrymen, but to prevent their being surprised, against their will or without their consent, into a political change, which, however obnoxious and oppressive to them it might prove, could not be reversed without such an agitation as every well-wisher of his country must desire to avert.

We have, &c.,

A. A. DORION, Member for the Co. of Hochelaga, late Attorney-General for Lower Canada.
L. H. HOLTON, M.P.P. for Chateauguay, late Minister of Finance.
J. THIBANDEAU, M.P.P. for Quebec Centre, late President of the Council.
L. S. HUNTINGTON, M.P.P. for Shefford, late Solicitor-General for Lower Canada.
M. LAFRAMBOISE, M.P.P. for Bagot, late Commissioner of Public Works.

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F. BOURASSA, M.P.P. for St. John's.
J. B. E. DORION, M.P.P. for Drummond and Arthabaska.
L. B. CARON, M.P.P. for L'Islet.
L. LABRECHE-VIGER, M.P.P. for Terrebonne,
JAS. O'HALLORAN, Q.C., M.P.P. for Missisquoi.
A. DUFRESNE, M.P.P. for Iberville.
MOL. FORTIER, M.P.P. for Yamaska.
J. B. POULIOT, M.P.P. for Temisconata.
A. H. PAQUET, M.P.P. for Berthier.
F. GEOFFRION, M.P.P. for Vercheres.
JOS. PERRAULT, M.P.P. for Richelieu.
A. GAGNON, M.P.P. for Charlevoig.
SIXTE COUPAL, M.P.P. for Napierville.
CHAS. LAJOIE, M.P.P. for St. Maurice.
M. HOUDE, M.P.P. for Maskinongé.

Montreal, October 1866.

No. 28.

No. 28.

COPY of a DESPATCH from the Officer Administering the Government to the Right Hon. the Earl of CARNARVON.

(No. 5.) Montreal, January 4, 1867.
(Received, January 25, 1867.)
(Answered, No. 131, January 30, 1867, page 51.)

MY LORD,

I HAVE the honour to transmit herewith to your Lordship an address to Her most Gracious Majesty the Queen from the Rev. John Bethune, D.D., and others, residing in Lower Canada, and to request that it may be laid at the foot of the Throne.

I have, &c.,
(Signed) J. MICHEL,
Lt.-General, Administrator of Gov.

Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Encl. in No. 28.

Enclosure in No. 28.

To the Queen's most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY,

THE undersigned loyal and dutiful subjects of Your Majesty, residing in Lower Canada, deeply impressed with the importance of a cordial concurrence of Your Majesty's subjects of all classes in Canada in the union of the British American Provinces, if resolved on, and while humbly expressing the hope that such union may be made as full and complete as possible, desire respectfully to represent that further and better provisions with respect to the future representation of the English minority in Lower Canada ought in justice to be made in the Act of the Imperial Parliament, and also that certain guarantees with reference to education in the interest of the same minority should be afforded.

That without doubting the good faith, or questioning the just intentions of our fellow subjects of French origin and Catholic faith, which on the contrary they have often had reason to acknowledge, Your petitioners consider that it would peril that harmony and co-operation which are so much needed for the successful working of the union, if any large minority of Your Majesty's subjects were made dependent on the forbearance of the majority, instead of having their rights secured by legislative enactment.

Your petitioners would represent that the English-speaking minority in Lower Canada number nearly one-fourth of the population of that part of the Province.

That the total number of representatives in the Local Parliament of that Province is proposed to be 65, of which Your petitioners should be entitled to return, as they now do, nearly one-fourth. They therefore pray that as regards the interference in future by the Local Legislature in the electoral limits now existing, or as regards any futnre increase in the number of representatives, such provision be made in the Act of Union as shall secure to the British minority the same relative representation as they now possess, as well in the Federal as in the Local Legislature.

On the subject of education Your petitioners would represent that by the resolutions, as agreed to at the Conference at Quebec, it is provided that the Local Legislature shall have power to make laws respecting the following subjects, viz., among others, education, "saving the rights and privileges which "the Protestant or Catholic minority in both Canadas may possess as to their denominational schools "at the time when the union goes into operation."

Your petitioners would respectfully represent that previous to the adoption of these resolutions by the Legislature of Canada, it was distinctly understood and a pledge was given, that before the union of the Provinces should have actually taken place, an Act should be passed securing to the Protestant minority in Lower Canada the control of the education of the children of their own race and religion, and for that object a Bill was introduced by the ministry of the day in the last session of the Canadian Legislature.

That circumstances to which it is unnecessary here specially to refer, led to the withdrawal of the said Bill, and Your petitioners are thereby deprived of the guarantees which its passage would have afforded.

That these guarantees may briefly be stated to be—

First. That all direct taxes for the support of schools paid by Protestants, unless otherwise designated by themselves, should be applied to Protestant or non-denominational education, and that all public money given for the same purpose should be divided between Protestants and Roman Catholics in proportion to population.

Second. That suitable and adequate provision should be made for the protection of the educational interests of Protestants in the management of educational funds, the establishment and proper classification and maintenance of schools and institutions of superior education, and generally in the administration of educational affairs.

Your petitioners desire further to represent that they consider it to be of the utmost moment that the important questions of immigration and the administration of the Crown Lands should be vested exclusively in the General Government, instead of being left within the control of the Local Legislature.

They therefore humbly pray, that in any measure to be submitted to the Imperial Parliament, such provision may be made in reference to the foregoing subjects as shall give effect to the prayers of Your petitioners.

And as in duty bound Your petitioners will ever pray.

Signed by JOHN BETHUNE, D.D., and several others.

Montreal, 1st December 1866.

No. 29. No. 29.

COPY of a DESPATCH from the Officer Administering the Government to the Right Hon. the Earl of CARNARVON.

(No. 6.) Montreal, January 4, 1867.

(Received, January 25, 1867.)

MY LORD, (Answered, No. 132, January 30, 1867, page 51.)

I HAVE the honour to transmit herewith to your Lordship an address to Her Majesty the Queen, from the governors, principal, and fellows of McGill College, Montreal, and to request that it may be laid at the foot of the Throne.

I have, &c.

Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) J. MICHEL, Administrator of Gov.

Enclosure 1 in No. 29. Encl. 1 in No. 29.

To the Queen's most Excellent Majesty.

The memorial of the Governors, Principal, and Fellows of McGill College, Montreal,

Humbly showeth—

THAT in prospect of the changes contemplated in the political constitution of Canada, the Corporation of McGill College, the oldest University in this country, and the most important educational institution pertaining to that portion of the population of Lower Canada which is of British origin, desire humbly to present the following statement respecting the condition and prospects of education.

Under that provision of the resolutions agreed to at the Quebec Conference, which leaves the entire control of education with the Local Governments and Legislatures, unless adequate guarantees be introduced into the Imperial Act, one of the most momentous interests of Your Majesty's subjects in this country will be subject to local views and feelings, and will be deprived of those enlarging and improving influences which are anticipated from the union of the Provinces.

With regard to University education, it is much to be desired, that, as far as possible, there should be a uniform standard for degrees; and that the degrees of any University in British America should be recognized throughout the whole Confederation; and also, that the undue multiplication of Universities, which has become so great an evil in some parts of these Provinces, should be arrested. These most desirable results can, in the opinion of Your Majesty's memoralists, be secured only by vesting in the General Government and Legislature an effective control over these important interests.

With regard to the schools, it may be observed, that under the existing union of Upper and Lower Canada, two distinct school systems have been established; and that, as the system existing in Lower Canada has led to a classification and management of schools and school districts, rather in accordance with the educational views of the clergy of the Roman Catholic church, than with the wants and wishes of the Protestant population, the latter have, even under the present constitution, been subjected to serious disadvantages in regard to the education of their children. More particularly, they have not been able to obtain the benefits of a general system of education, with public and properly classified schools, as enjoyed by their fellow subjects of Upper Canada; under certain circumstances of not infrequent occurrence, they are liable to taxation for the support of schools exclusively Roman Catholic in character; they do not possess the privileges with reference to the establishment of separate schools,

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which have been accorded to the Roman Catholic minority of Upper Canada; and they have occasion to complain of the distribution of the legislative grants, more especially of those for superior education. Further, though the Protestant minority in Lower Canada comprises a large proportion of the wealth, education, and science of this country, it is not represented in the office of the Educational Department.

These evils have been felt by the Protestant population even under the existing union with Upper Canada; and those representatives of the Protestant constituencies who consented to the arrangements of the Quebec Conference for the dissolution of that union, did so only after distinct pledges on the part of the Government, that at least the more weighty of these grievances would be redressed by Legislative action, before Confederation. But these pledges have not been fulfilled; a measure to this end, but of an imperfect character, which was introduced by Government in the last session of the Legislature, having been withdrawn. Under these circumstances, it appears necessary that provisions should be introduced into the Imperial Act of Confederation, to afford adequate protection to Protestant educational interests, by the amendment of the existing school law, and also by empowering the General Government and Legislature to interfere effectively on behalf of the minority.

Your Majesty's memorialists desire also to represent, that while in other colonies munificient endowments have been made, out of the public domain, for institutions of higher education, no such grants have ever been made in Lower Canada; and that while our fellow-subjects of French origin have enjoyed the benefits of large endowments in land, given before the conquest, and which in some instances would have been forfeited but for the liberality of the British Government, the Protestant population of Lower Canada have been placed in an exceptional position of disadvantage; and that had it not been for the endowment by Mr. McGill, and the liberal contributions of other benefactors, they would not have had access to the benefits of a collegiate education, except in institutions under the exclusive control of the Roman Catholic Church.

It is however well known that it was the intention of the British Government that such Protestants as had settled or should settle in Lower Canada should possess the same educational advantages which were awarded by Royal liberality to the inhabitants of other colonies.

In evidence of this Your Majesty's memorialists would state, that the Governor in Chief in 1801, by speech from the Throne, assured the Parliament of Lower Canada "that His Majesty had been "graciously pleased to give directions for the establishment of a competent number of free schools for "the instruction of children in the first rudiments of useful learning, and in the English tongue, and "for foundations of a more enlarged and comprehensive nature, and that His Majesty had been "further pleased to signify His Royal intention that a suitable proportion of the lands of the Crown "should be set apart, and the revenues thereof appropriated to such purposes." In acceptance of this offer the Act incorporating the Royal Institution for the Advancement of Learning (now the Board of Governors of McGill University) was passed, reciting the above language in its preamble, the declared intention being that the "liberal grant of Crown Lands" referred to in the speech should be made to that body in trust for free schools and "foundations of a more enlarged and comprehensive "nature," but no grant was ever made, though at the time when the Hon. James McGill made his bequest for the foundation of McGill College, it was still expected that such grants would be made, and his endowment was placed in the hands of the Royal Institution under the belief that the intentions of the Crown would be carried into effect.

At a later period the Royal Institution had reason to expect that they would not have to incur the heavy expense of erecting buildings for the college, and that the whole of Mr. McGill's endowment would thus have become available for its future support. In the early part of 1819 Lord Bathurst, then Colonial Secretary, instructed the Governor General, the Duke of Richmond, to adopt with as little delay as possible the necessary measures for erecting upon Mr. McGill's property an adequate building for the instruction of youth, and his Grace was authorized to defray the expense thereof from funds then at the disposal of the Crown.

But these liberal intentions on the part of the Crown were not carried into effect, and finally the control of the public lands was given to the Provincial Legislature, which has proved unable or unwilling to fulfil these engagements of the Crown, and which for many years rendered no assistance whatever to the University. In 1854 a small amount of aid was given as an annual grant, but this has in subsequent years been diminished to a sum still less adequate, and which is derived from a fund which is already too small for the growing wants even of the preparatory schools.

For more full details of the wants and claims of the University, Your Majesty's memorialists beg to refer to their petition on this subject presented to his Excellency the Governor General in 1865, a copy of which accompanies the present memorial.

Your Majesty's memorialists would further state that during the administration of Sir Edmund Head these claims were to some extent acknowledged by loans, partly granted in aid of the University itself, and partly in furtherance of other public educational interests, and which loans were principally derived from funds partaking of an Imperial character; but that though these loans, or so much of them as was really granted with that view, relieved the University in some degree from immediate pecuniary difficulty, the University remains liable for their whole amount, and should the claim be enforced by the Government serious embarrassment and injustice to the University would result.

Your Majesty's memorialists, with the Protestant population of Lower Canada, hold that the obligation rests upon the Imperial as well as upon the Provincial Government to aid in securing an adequate endowment for institutions of the higher education in Lower Canada on that broad general basis of public utility on which this University rests; but while specially referring to the case of their own University, they must even more strongly insist on those more general constitutional guarantees which in their judgment are required for the protection of the rights of the Protestant minority in Lower Canada, whether in regard to common schools or to institutions of higher learning.

Your Majesty's memorialists would further state their willingness to give additional information or explanations, and to support by documentary or other evidence the statements of this memorial should such information or evidence be desired.

Wherefore Your Majesty's memorialists humbly pray that Your most Gracious Majesty will be pleased to take the matters above referred to into favourable consideration, in order to the introduction of proper and just safeguards into the Imperial Act of Confederation, should such Act be passed, and to the granting of such other measures of relief as to Your Majesty may seem fit. And Your Majesty's memorialists will ever pray.

Signed on behalf of the University by the Chancellor.

Montreal, December 18, 1866.

Enclosure 2 in No. 29.

Encl. 2 in No. 29.

To his Excellency the Right Honourable CHARLES STANLEY Viscount MONCK, Baron Monck of Ballytrammon in the County of Wexford, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

The petition of the Governors, Principal, and Fellows of McGill College and University—

RESPECTFULLY SHOWETH—

That your Excellency's petitioners, in view of the present condition of the University and its limited resources, feel themselves justified and called upon earnestly to press upon the Legislature its claims for a permanent endowment, in support of which they beg leave to make the following statements:

In an educational point of view, the growth of the University under its new charter has surpassed the most sanguine expectations of its friends. It was in the past session instrumental in the education of 928 persons, of whom 305 were students in law, medicine, and arts, 74 teachers in training, 249 pupils in the high school, and the remainder were pupils in the model schools. It has in the faculty of law, 6 professors; in the faculty of medicine, 9 professors; in the faculty of arts, 10 professors; in the high school department, 10 masters. There are also two professors, two teachers, and several assistants in the McGill normal and model schools.

In its buildings, the University was long inadequately accommodated; but recently by the exertions of the Board of Governors, and the liberality of one of them, Wm. Molson, Esq., this disadvantage has been in a great measure removed. By the liberality of some leading citizens of Montreal, it has recently been endowed with gold medals in law, and in most of the principal branches of study in arts.

The University now challenges comparison with any other in North America, in the efficiency of its staff and the thoroughness of its courses of study, and is prepared to carry the scientific and literary education of young men to a degree of perfection not heretofore attainable in Lower Canada, and comparable with that of the British Universities.

While these results, so creditable and useful to Canada, have been attained, your petitioners have, from the first, had to complain that the important objects committed to their care have not received an adequate amount of provincial pecuniary support, and that their labours have in consequence been prosecuted under many disadvantages.

The total expenditure of the University for the past year, including $588 of interest on its debts, and $2,018 for repairs, &c. of building (but exclusive of the normal school and of fees paid to professors in medicine and law), may be stated at $31,411; and that an institution of this character, with so many instructing officers, should be supported on such a sum, must be regarded as an instance of economy scarcely equalled in any other similar case.

Of the above sum, $6,702 are paid by the revenue of the original endowment of Mr. McGill; $2,846 by the interest of the endowment fund contributed by the citizens of Montreal; $6,019 by the fees in the high school, and $713 by the fees in the faculty of arts. Toward payment of the balance the Province contributes as follows:

(1.) A sum of $1,000 per annum to the medical faculty, being the same amount paid to each of the other medical schools, none of which equals that of McGill in the number of professors and students.

(2.) The sum of $1,128 to the high school department, on condition that it shall educate, free of expense, 30 pupils appointed by the Government, and whose education at the annual rate of fees would cost $1,320; the high school being distinguished from every other superior school in Lower Canada by receiving no free grant.

(3.) The sum of $2,803.97 to the College, in aid of the University generally, and of the faculties of arts and law. The sum thus granted has been progressively diminished from 1854 up to the present time, as stated in the following table, though in the meantime the number of students at the University and its annual expenditure for their benefit have largely increased.

NUMBER of STUDENTS and PUPILS of MCGILL COLLEGE AND UNIVERSITY, from 1854 to 1863, with the ANNUAL GRANTS for the same years.

STUDENTS.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.
In Arts - - -	—	38	42	47	47	60	58	65	72	82*
In Medicine - -	—	57	96	90	97	108	124	146	175	177
In Law - - -	—	15	16	30	30	37	47	45	55	48
Total Students - -	97	110	154	167	174	205	229	256	302	307
Pupils in High School -	185	215	225	242	250	252	281	271	262	249
Total - - - -	282	325	379	409	424	457	510	527	564	556

* Including 15 students of Morrin College.

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Number of Pupils and Students of McGill College and University—*cont.*

	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.
	$	$	$	$	$	$	$	$	$	$
Grants to the University -	7000	4167.77	3071.06	3001.07	2932.82	2932.82	2862.28	2932.82	2862.28	2803.97
Grants to the Medical School -	1000	1000.00	1000.00	1000.00	1000.00	1000.00	1000.00	1000.00	1000.00	1000.00
Grants to the High School for educating 30 free scholars -	1128	1128	1128	1128	1128	1128	1128	1128	1128	1128

Note.—74 teachers in training in the Normal School and 300 pupils in the Model Schools are excluded from the above table, these institutions not deriving any pecuniary support from the College.

Taking into account all these sources of revenue, an annual deficiency remained in 1863, of $10,141, not provided for by the income; and this deficiency appeared so alarming that the Governors were under the necessity of withdrawing the aids formerly given to the high school, and of discontinuing the course of engineering in the faculty of arts. They were also obliged further to postpone the just claims of several professors for increase of their salaries, and to abstain from all additions to the library, museum, and apparatus.

It should also be stated that the extension of the University renders additional expenditure necessary for examinations and printing, which there are not means to defray.

Your Excellency's petitioners would further state that an inspection of the accounts will show that the utmost economy has pervaded the expenditures of the Universiry, and that its efforts have been steadily directed to the provision of means of education not otherwise accessible in this country, and of a higher character than those afforded by the ordinary academies and colleges; thus fulfilling the wise and benevolent intentions of the founder, and giving to our young men the opportunity of raising their mental culture to the level of that in older countries. It has further been an object of solicitude with the Governors to promote practical scientific training bearing on the more important professions, and they would gladly do more in this direction did their resources permit.

The following statements, contained in a former memorial, may be here repeated, as enforcing the claims of the University to public aid.

First.—The late Mr. McGill undoubtedly made his bequest under the expectation and implied promise that a further and sufficient endowment would be made by the Provincial Government. This is apparent from the circumstances under which the bequest was made. The Governor in Chief in 1801 laid before the Provincial Parliament a message in the following terms:

"That His Majesty had been graciously pleased to give directions for the establishment of a com-
" petent number of free schools for the instruction of children in the first rudiments of useful learning
" and in the English tongue, and for foundations of a more enlarged and comprehensive nature, and
" that His Majesty had been further pleased to signify His Royal intention that a suitable proportion
" of the lands of the Crown should be set apart, and the revenues thereof appropriated to such pur-
" poses." As a preliminary step, the Act incorporating the Royal Institution for the Advancement of Learning was passed, containing this message in its preamble, and thereafter it was intended that the " liberal grand of Crown Lands" referred to in the message should be transferred to its control, in trust for free schools and " foundations of a more enlarged and comprehensive nature;" but no grant was ever made.

The late Mr. McGill was not only an active member of the Legislature at this time, but an Executive Councillor, and therefore must be presumed to have been thoroughly conversant with the intentions of the Imperial and Provincial Governments. By his last will he bequeathed a sum of money and his estate of Burnside to the Royal Institution for the purpose of erecting and maintaining a University; but his endowment, liberal as it was, was yet quite inadequate for the object contemplated, and it is reasonable to infer that he looked beyond it to the Royal Institution, to whom he believed that a liberal grant of Crown Lands was to have been entrusted for a kindred purpose.

His endowment was long anterior to the establishment of any Protestant College in the Province, and still is the only one made in it for that purpose. Since that time hundreds of thousands of pounds have been bestowed by annual grants on Roman Catholic educational institutions in Lower Canada; while in Upper Canada several Universities have been founded, all of them participating more or less in the grants of public monies. One of them, the University of Toronto, enjoys an endowment of 226,201 acres of land conferred by Royal grant in 1828, from which a sum exceeding 293,888*l.* has been already derived; and in addition to this it received during many years, for the college connected with it, a grant of $1,111 annually. Upper Canada College, established in 1832, was endowed by various grants between that year and the year 1835, with 63,805 acres of land, which has yielded 55,434*l.*, and has also received an annual grant of 1,000*l.*, which still continues. It is further to be observed that the Universities of Queen's College and Victoria College, in Upper Canada, have had their grants raised to $5,000 each, beside the usual aid to their medical schools. Yet no permanent provision whatever has ever been made for McGill College, and all the monies received by it from public sources (of which the first was in 1854) do not together amount to one-fourth of the annual revenues of the University of Toronto, or to one-tenth of the value of Mr. McGill's bequest.

The largeness of that bequest, and the munificence with which the fund has since been increased in the sum of 15,000*l.* by subscription in the city of Montreal, and the completion of the College buildings by Mr. William Molson, coupled with the character of the University, justify your memorialists in the hope that a corresponding spirit will be manifested by the Legislature, and that after so much has been done by private beneficence the work may be completed by granting the relief now sought, and providing for the future a permanent public endowment. These donations also show how urgently the want

of a Protestant university has been felt, and how highly its benefits are esteemed by the English population.

Secondly.—Not only was the late Mr. McGill warranted in believing that his exertions to establish a University would be supported by a grant from the Crown Lands, but the members of the Royal Institution subsequently were led to expect that they would have been saved the heavy expense of erecting the College buildings, and that the endowment would have been rendered available for its future support. In the early part of 1819 the Lord Bathurst, then Colonial Secretary, instructed the Governor General, the Duke of Richmond, to adopt, with as little delay as possible, the necessary measures for erecting upon Mr. McGill's property an adequate building for the instruction of youth, and his Grace was authorized to defray the expense thereof from the funds which might be in the hands of the Receiver of the Jesuits' Estates.

But, for reasons unknown to the Governors, these liberal intentions on the part of His Majesty were not carried into effect.

Thirdly.—The University of McGill College is the only one in Lower Canada which is non-sectarian. As such it is entitled to claim—and, as your Excellency's petitioners believe, it possesses—the confidence of the Protestant community of every religious denomination. This is shown by the list of subscriptions to the endowment fund, in which are to be found the names of members of the English and Scotch Churches, and of the Free Church, Methodists, Congregationalists, American Presbyterians, and Unitarians; members of the Jewish faith have also contributed.

Fourthly.—The University is not a mere private institution founded by individual benevolence, but is public and Provincial in its character. It is prepared to confer degrees, not only upon the students of its own Colleges, but, under just and salutary rules, upon those of any others which may be established in the Province; thus rendering it unnecessary, as without doubt it is inexpedient, to multiply the number of educational institutions possessing that power.

A large number of scholarships in the faculty of arts are at the disposal of your Excellency, as also the presentation to 30 scholarships in the High School department.

Fifthly.—This Provincial character of the University, and the prosperity and influence which it has attained, mark it out as the great centre and support of the higher Protestant education in Lower Canada. As such the management of the Provincial Normal School has been confided to it with the approbation of the whole community; and the confidence has thus far been justified by complete success. A further indication of the same nature is afforded by the affiliation with it of the St. Francis College, Richmond, under the liberal terms provided by the statutes of the University. Still more recently Morrin College, Quebec, has been affiliated, and has already sent up 11 students who have passed creditably the preliminary examinations of the University; and arrangements are now in progress for affiliating the Congregational College of British North America.

The affiliation of other colleges and theological schools is expected, and thus the aids to higher education, which this country so much needs, will always be available to all who may require them, and that in the amplest form; for it is to be observed that this University offers to its students not only an ordinary liberal education, but the means also of high scientific culture and of thorough instruction in the professions of law and medicine, and that its present position in this respect will enable it, with additional pecuniary resources, to extend itself still further in the direction of professional education.

The importance and claims for support of such a central institution are too obvious to require argument; and these, great as they now are, will be augmented by the increase of population, wealth, and intelligence, bringing with them an appreciation of the value of learning and a demand for the means of its general cultivation. The McGill University ought not, then, to be confounded with the ordinary schools and other educational establishments, sectarian or non-sectarian, which abound in Lower Canada. It stands alone in its character and objects, and requires from the Government a direct and special support adequate to its importance and its wants. To place it, in the distribution of Legislative aid, upon the same footing with those minor establishments which share in the fund placed in the hands of the Superintendent of Education is an error and an injustice, not only to the University itself, but to the whole Protestant community of Lower Canada. Your petitioners would further, in view of the proposed Federation of the Provinces, urge the necessity of an immediate consideration of the claims above set forth, and of a permanent provision for the support of the University.

Your Excellency's petitioners would therefore pray for a permanent endowment, and that this should be equal to an annual income of $20,000 for the College and University, and of $4,000 for the High School, independently of any sum the latter may receive for the education of Government scholars.

And your Excellency's petitioners, as in duty bound, will ever pray.

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Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 5.)

MY LORD, Downing Street, January 13, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 203,* of the 23rd of December, relative to the proposed Union of the British North American Provinces, and enclosing a copy of a Despatch which you had addressed to the Lieut.-Governors of the Lower Provinces and to the Governor of Newfoundland on the subject.

* Page 1.

I have, &c.

Viscount Monck, &c. &c.

(Signed) EDWARD CARDWELL.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 21.)

MY LORD, Downing Street, February 15, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 32,* of the 26th of January, enclosing copies of Addresses presented to your Lordship by the two Houses of the Legislature in answer to the speech with which you opened the session of the Canadian Parliament.

* Page 6.

I have, &c.

Viscount Monck, &c. &c

(Signed) EDWARD CARDWELL.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 30.)

MY LORD, Downing Street, February 24, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 35,* of the 30th of January, enclosing a copy of a Circular Despatch which you addressed on that day to the Lieut.-Governors of the Lower Provinces, and to the Governor of Newfoundland, respecting the proposed Union of the British North American Colonies.

* Page 7.

I have, &c.

Viscount Monck, &c. &c.

(Signed) EDWARD CARDWELL.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 32.)

MY LORD, Downing Street, February 25, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 36,* of the 30th of January, enclosing a copy of a Despatch which you had received

* Page 8.

from the Lieut.-Governor of New Brunswick, apprizing you of his intention to summon the Provincial Parliament towards the end of March, and to submit for their consideration the question of the Union of the British North American Provinces. CANADA.

I have, &c.

Viscount Monck, &c. &c. (Signed) EDWARD CARDWELL.

No. 5. No. 5.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P. to Viscount MONCK.

(No. 48.)

MY LORD, Downing Street, March 29, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 68*, of the 10th of March, enclosing a copy of a Despatch addressed to you by the Governor of Newfoundland, on the subject of the Union of the British North American Provinces. * Page 8.

I have, &c.

Viscount Monck, &c. &c. (Signed) EDWARD CARDWELL.

No. 6. No. 6.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 58.)

MY LORD, Downing Street, April 8, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches No. 73* and No. 74,* of the 15th of March, accompanied by Addresses to the Queen agreed to respectively by the Legislative Council and the House of Assembly of Canada, praying that Her Majesty will be pleased to cause a measure to be introduced into the Imperial Parliament, for the Union of the Provinces of British North America, on the basis of the resolutions adopted by the Conference of Delegates from those Provinces who met at Quebec in October of last year. * Pages 9 and 10.

2. I have not failed to present these Addresses to Her Majesty, who was pleased to receive the same very graciously.

3. Her Majesty's Government have seen with great satisfaction that both branches of the Canadian Legislature have adopted Addresses to the Crown expressive of their desire for the accomplishment of a measure calculated materially to add to the strength and promote the welfare of the Provinces of British North America.

I have, &c.

Viscount Monck, &c. &c. (Signed) EDWARD CARDWELL.

No. 7. No. 7.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to Governor-General Viscount MONCK.

(No. 95.)

MY LORD, Downing Street, June 17, 1865.

I HAVE the honour to inform your Lordship that several conferences have been held between the four Canadian Ministers who were deputed, under the Minute of your Executive Council of March 24th, to proceed to England to confer with Her Majesty's Government on the part of Canada, and the Duke of Somerset, the Earl De Grey, Mr. Gladstone, and myself, on the part of Her Majesty's Government.

On the first subject referred to in the Minute, that of the Confederation of the British

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North American Provinces, we repeated on the part of the Cabinet the assurances which had already been given of the determination of Her Majesty's Government to use every proper means of influence to carry into effect without delay the proposed Confederation.

On the second point, we entered into a full consideration of the important subject of the defence of Canada, not with any apprehension on either side that the friendly relations now happily subsisting between this country and the United States are likely to be disturbed, but impressed with the conviction that the safety of the Empire from possible attack ought to depend upon its own strength and the due application of its own resources. We reminded the Canadian Ministers that on the part of the Imperial Government we had obtained a vote of money for improving the fortifications of Quebec. We assured them that so soon as that vote had been obtained the necessary instructions had been sent out for the immediate execution of the works, which would be prosecuted with despatch; and we reminded them of the suggestion Her Majesty's Government had made to them to proceed with the fortifications of Montreal.

The Canadian Ministers, in reply, expressed unreservedly the desire of Canada to devote her whole resources, both in men and money, for the maintenance of her connexion with the Mother Country; and their full belief in the readiness of the Canadian Parliament to make known that determination in the most authentic manner. They said they had increased the expenditure for their Militia from 300,000 to 1,000,000 dollars, and would agree to train that force to the satisfaction of the Secretary of State for War, provided the cost did not exceed the last-mentioned sum annually, while the question of confederation is pending. They said they were unwilling to separate the question of the works at Montreal from the question of the works west of that place, and from the question of a naval armament on Lake Ontario. That the execution of the whole of these works would render it necessary for them to have recourse to a loan, which could only be raised with the guarantee of the Imperial Parliament. They were ready to propose to their Legislature on their return a measure for this purpose, provided that the guarantee of the Imperial Parliament were given now, and that they were authorized to communicate to the Parliament of Canada the assurance that, the occasion arising, England will have prepared an adequate naval force for Lake Ontario. They thought that if the guarantee were not obtained now it was probable that the Canadian Government and Parliament would think it desirable that the question of defensive works should await the decision of the Government and Legislature of the United Provinces.

On the part of Her Majesty's Government we assented to the reasonableness of the proposal that if the Province undertook the primary liability for the works of defence mentioned in the letter of Lieutenant-Colonel Jervois, and showed a sufficient security, Her Majesty's Government should apply to Parliament for a guarantee for the amount required; and we said that Her Majesty's Government would furnish the armaments for the works. But we said that the desire and decision of the Provincial Legislature ought to be pronounced before any application was made to the Imperial Parliament. On the subject of a Naval Force for Lake Ontario, we said that, apart from any question of expediency, the convention subsisting between this country and the United States rendered it impossible for either nation to place more than the specified number of armed vessels on the lakes in time of peace. In case of war it would, as a matter of course, be the duty of any Government in this country to apply its means of naval defence according to the judgment it might form upon the exigencies of each particular time, and the Canadian Ministers might be assured that Her Majesty's Government would not permit itself to be found in such a position as to be unable to discharge its duty in this respect. This was the only assurance the Canadian Ministers could expect or we could give.

Upon a review of the whole matter, the Canadian Ministers reverted to the proposal which has been mentioned above, that priority in point of time should be given to the Confederation of the Provinces. To this, we, on the part of Her Majesty's Government, assented. In conformity, however, with a wish strongly expressed by the Canadian Ministers, we further said, that if, upon future consideration, the Canadian Government should desire to anticipate the Confederation, and to propose that Canada should execute the works, they would doubtless communicate to Her Majesty's Government that decision; and we trusted that after what had passed in these conferences they would feel assured that any such communication would be received by us in the most friendly spirit.

On the third point, the Reciprocity Treaty, the Canadian Ministers represented the great importance to Canada of the renewal of that treaty, and requested that Sir F. Bruce

might be put in communication with the Government of Lord Monck upon the subject. We replied that Sir F. Bruce had already received instructions to negotiate for a renewal of the treaty, and to act in concert with the Government of Canada.

On the fourth point, the subject of the North-western Territory, the Canadian Ministers desired that that terriority should be made over to Canada, and undertook to negotiate with the Hudson's Bay Company for the termination of their rights, on condition that the indemnity, if any, should be paid by a loan to be raised by Canada under the Imperial guarantee. With the sanction of the Cabinet, we assented to this proposal, undertaking that if the negotiation should be successful we, on the part of the Crown. being satisfied that the amount of the indemnity was reasonable, and the security sufficient, would apply to the Imperial Parliament to sanction the arrangement and to guarantee the amount.

On the last point, it seemed sufficient that Her Majesty's Government should accept the assurances given by the Canadian Ministers on the part of Canada, that that Province is ready to devote all her resources both in men and money to the maintenance of her connexion with the Mother Country, and should assure them in return that the Imperial Government fully acknowledged the reciprocal obligation of defending every portion of the Empire with all the resources at its command.

The Canadian Ministers in conclusion said, that they hoped it would be understood that the present communications did not in any way affect or alter the correspondence which had already passed between the Imperial Government and the Governments of the British North American Proviuces on the subject of the Intercolonial Railway. To this we entirely agree.

I have, &c.

Viscount Monk, &c. &c.

(Signed) EDWARD CARDWELL.

No. 8.

No. 8.

Copy of a DESPATCH from the Right Hon. EDWARD CARDWELL, M. P., to Viscount MONCK.

(No. 120.)

MY LORD, Downing Street, July 22, 1865.

I THINK it right to apprize your Lordship that I receive communications which lead to the conclusion that more positive assurances from Canada than have yet been given to the Maritime Provinces, on the subject of the readiness of Canada to ensure the prompt completion of the Intercolonial Railway, in the event of confederation being adopted, would be very satisfactory to the friends of the measure in those Provinces, and encourage their efforts to recommend the scheme of confederation to those of their countrymen by whom it has not hitherto been supported.

I have, &c.

Viscount Monck, &c. &c.

(Signed) EDWARD CARDWELL.

No. 9.

No. 9.

Copy of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 127.)

MY LORD, Downing Street, August 5, 1865.

I HAVE the honour to transmit to your Lordship a copy of a Despatch from the Lieut.-Governor of New Brunswick, enclosing a Resolution of the Executive Council of that Province expressive of their opinion on the subject of confederation, together with a copy of my reply.

No. 58, July 1, page 99.
No. 91, Aug. 4, page 119.

I have, &c.

Viscount Monck, &c. &c.

(Signed) EDWARD CARDWELL.

CANADA.

No. 10.

No. 10.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 137.)

MY LORD, Downing Street, September 6, 1865.

* Page 11. I HAVE the honour to acknowledge the receipt of your Despatch, No. 164,* of the 14th of August, accompanied by copies of the papers submitted to the Provincial Parliament, relating to the conference lately held in London between Her Majesty's Government and the Ministers of the Province.

I have, &c.

Viscount Monck, &c. &c. (Signed) EDWARD CARDWELL.

No. 11.

No. 11.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to the Officer Administering the Government.

(No. 147.)

SIR, Downing Street, October 7, 1865.

* Page 14. I HAVE the honour to acknowledge the receipt of Lord Monck's Despatch, No. 183,* of the 20th ult., enclosing copies of a correspondence that has taken place between his Lordship and the Lieut.-Governor of Nova Scotia, in reference to the subject of further guarantees for the construction of the Intercolonial Railway.

I have, &c.

To the Officer Administering the Government, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 12.

No. 12.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to the Officer Administering the Government.

(No. 150.)

SIR, Downing Street, October 18, 1865.

* Page 16. I HAVE the honour to acknowledge the receipt of your Despatch, No. 3,* of the 30th ult., transmitting a copy of a further Despatch addressed by Sir R. MacDonnell to Lord Monck, on the subject of further guarantees for the construction of the Intercolonial Railway.

I have, &c.

To the Officer Administering the Government, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 13.

No. 13.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 9.)

MY LORD, Downing Street, January 27, 1866.

* Page 11. IN considering the Report of the Deputation of Canadian Ministers, enclosed in your Lordship's Despatch of the 14th of August last,* Her Majesty's Government think it desirable on subjects of so much importance as those to which the Report refers, and on which they would so much regret if any misapprehension should at any time arise, to instruct your Lordship in all your communications, to guide yourself entirely by the

† Page 43. terms of my Despatch of June 17, 1865,† which was mutually adopted at the time as the Record. You should explain to your Ministers that you have been instructed to do so, and inform them at the same time that we do not regard their Report as intended in any way to vary the substance of that Record, to which we observe with pleasure they refer as containing a correct statement of the result of the conference.

I have, &c.

Viscount Monck, &c. &c. (Signed) EDWARD CARDWELL.

No. 14.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P. to Viscount MONCK.

(No. 70.)

MY LORD, Downing Street, June 30, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th instant, No. 48,* in which you enclose to me a copy of the speech with which you had that day opened the session of the Canadian Parliament.

* Page 17.

I have read with great interest your tribute to the spirit displayed by the people of Canada, in their ready response to your proclamation calling out for active service a large portion of the volunteer militia force. You justly told your Parliament that the spirit thus evinced by the people of Canada had received the approval of Her Majesty's Government, who had not failed to appreciate as it deserved the loyalty of all classes of Her Majesty's subjects throughout the North American Provinces.

Her Majesty's Government deplore with you the loss of life and suffering entailed upon the gallant body of volunteers who resisted the invasion of Her Majesty's territory by a band of lawless marauders, and cordially approve the satisfaction with which you speak of the friendly course adopted by the President of the United States of America.

It is with especial gratification that I observe the reference you have made to the great question of the Union of the British North American Provinces. I rejoice to learn that the recent proceedings of the Legislature of Nova Scotia, and of the Legislative Council of New Brunswick, together with the result of the recent elections of members of the Legislative Assembly in that province, fully warrants the confident expectation you express that at some very early period the noble buildings in which for the first time you then addressed the Parliament of Canada will receive a Parliament not confined to an assembly of the representatives of Canada alone, but embracing those of all the colonies of British North America.

I have, &c.

Viscount Monck. (Signed) EDWARD CARDWELL.
&c. &c.

No. 15.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 20.)

MY LORD, Downing Street, August 4, 1866.

THE Lieut.-Governor of Nova Scotia has reported that he has been in communication with your Lordship respecting the appointment of a Canadian deputation to come to England, to confer with Her Majesty's Government upon the subject of the Confederation of the British North American Provinces.

I, therefore, think it right to apprize your Lordship, by the earliest opportunity, that the advanced period of the session,—combined with the absence of the delegates from Canada,—has rendered it impossible for Her Majesty's Government to submit to Parliament any measure upon this important subject. I have to add, that I have intimated to the gentlemen composing the delegations from New Brunswick and Nova Scotia, that during the recess I should be prepared to enter fully into communication with them and with the delegates from Canada, should they arrive, and to endeavour to arrive with them at such a conclusion as would be satisfactory both to the Colonies and to this country.

I have, &c.

Viscount Monck, (Signed) CARNARVON.
&c. &c.

No. 16.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 39.)

MY LORD, Downing Street, August 31, 1866.

THE Nova Scotia and New Brunswick delegates have been now, as your Lordship is aware, for some weeks in this country with a view to the discussion of the various

CANADA. questions relative to the Confederation of the British North American Provinces, and have repeatedly inquired of me the period by which their Canadian colleagues may be expected.

I shall be glad to be informed at the earliest possible date of the course which it is proposed by them to adopt.

I need not say that any unnecessary delay in the settlement of this question is very undesirable, and that also the prolonged detention of the delegates now in England is attended with much inconvenience to them and to the Governments of which they are members.

If any appearance of impending Fenian disturbances should render it unfit for your Lordship to quit your post, or if the same causes should make the delegates feel that they cannot all of them leave the Province, it might deserve their consideration whether some of their number could repair at once to England to enter into the proposed discussion.

I have, &c.

Viscount Monck, &c. &c. (Signed) CARNARVON.

No. 17.

No. 17.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 41.)

MY LORD, Downing Street, August 31, 1866.

* Page 18. I HAVE had the honour to receive your Lordship's Despatch, No. 115,* of the 16th August, transmitting an Address to the Queen from the Legislative Assembly of Canada, praying that Her Majesty will cause a measure to be submitted to the Imperial Parliament for creating Local Governments and Legislatures in Canada East and Canada West, after the completion of the union of the British North American Provinces.

This Address has been duly laid at the foot of the Throne.

I have, &c.

Viscount Monck, &c. &c. (Signed) CARNARVON.

No. 18.

No. 18.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 42.)

MY LORD, Downing Street, August 31, 1866.

* Page 22. I HAVE had the honour to receive your Lordship's Despatch, No. 116,* of the 16th August, transmitting an Address to the Queen from the Legislative Council of Canada, praying that Her Majesty will cause a measure to be submitted to the Imperial Parliament for creating Local Governments and Legislatures in Canada East and Canada West, after the completion of the union of the British North American Provinces.

This Address has been duly laid at the foot of the Throne.

I have, &c.

Viscount Monck, &c. &c. (Signed) CARNARVON.

No. 19.

No. 19.

Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 47.)

MY LORD, Downing Street, September 5, 1866.

* Page 18. I HAVE the honour to acknowledge the receipt of your Despatch, No. 113,* of the 15th August, enclosing a copy of the speech with which, on that day, you closed the session of the Canadian Parliament.

I have, &c.

Viscount Monck, &c. &c. (Signed) CARNARVON.

No. 20.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 50.)

MY LORD, Downing Street, September 13, 1866.

I HAVE the honour to inform you that urgent representations are made to me by the delegates from Nova Scotia and New Brunswick now in England, on the great public and private inconvenience to which they are subject through the non-arrival of their colleagues. I sent you a telegram on the subject yesterday. As I said in my previous Despatch, No. 39,* of the 31st ult., I hope that if any appearance of impending Fenian disturbances should make the delegates feel that the whole of them cannot leave their homes, some of them at least will be able to repair to England without delay, armed with the necessary powers to enter with the delegates from the other Provinces upon the settlement of the question of Confederation. Much as I could desire the presence of your Lordship and the assistance of your valuable counsel in the consideration of this important subject; I must, as my previous communications will have informed you, forego this advantage under the present anxious circumstances of the Province, at least until on both sides of the Atlantic we feel reassured of the safety of Canada, and I can have the satisfaction of requesting your presence here.

* Page 47.

I have, &c.

Viscount Monck, &c. &c.

(Signed) CARNARVON.

No. 21.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 63.)

MY LORD, Downing Street, September 26, 1866.

I HAVE the honour to transmit to you the enclosed copy of a Resolution which has been placed in my hands by the Delegates from Nova Scotia and New Brunswick now in England, adopted by them as a means of bringing Prince Edward Island into the contemplated union of the British North American Provinces.

I forward this Resolution to your Lordship at the request of the Delegates, that it may be communicated to those gentlemen who are appointed to be Delegates on behalf of Canada, and that it may be ascertained how far it meets with their concurrence.

I have further to request that you will apprize the Lieutenant-Governor of Prince Edward Island of the result. I have in the meantime transmitted a copy to Lieutenant-Governor Dundas of the resolution and of this Despatch.

I have taken this course in order to give effect to the wishes of the Delegates now in England; but it must be understood that I do so without expressing any opinion of my own on the subject, as this would be premature at the present stage of the question.

I have, &c.

Viscount Monck, &c. &c.

(Signed) CARNARVON.

Enclosure in No. 21.

AT a meeting of the Delegates from Nova Scotia and New Brunswick, held at the Alexandra Hotel, London, on the 22nd day of September 1866, all being present except the Hon. Mr. Wilmot, it was unanimously resolved, that inasmuch as the co-operation of Prince Edward Island, though not indispensable to a union of the other British North American Provinces, is on many accounts very desirable, and as the settlement of the land question which has so long and so injuriously agitated that Colony, would be attended with great benefit, and at the same time place the Local Government of the Island, by the possession of the proprietary lands, more on a footing with the other Provinces, which have crown lands and minerals as a source of local revenue.

Therefore Resolved,—

That in case the Legislature of the Island should authorize the appointment of Delegates to act in conjunction with those form the other Provinces in arranging a plan of confederation prior to the meeting of the Imperial Parliament, the Delegates from Nova Scotia and New Brunswick are hereby pledged to support the policy of providing such an amount as may be necessary for the purchase of the proprietary rights, but not to exceed $800,000.

CHARLES TUPPER.
S. L. TILLEY.

CANADA.

No. 22.

No. 22.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 80.)

MY LORD, Downing Street, October 18, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 150,* of the 28th September, enclosing a copy of a Telegram which your Lordship addressed to me on the 24th of that month.

* Page 26.

I have, &c.

Viscount Monck, &c. &c.

(Signed) CARNARVON.

No. 23.

No. 23.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 100.)

MY LORD, Downing Street, November 22, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked Separate of the 3rd and 5th of this month,* introducing the Delegation appointed by your Government to confer with the Representatives of the other Provinces and with myself on the subject of Confederation.

* Pages 27 and 28.

I have, &c.

Viscount Monck, &c. &c.

(Signed) CARNARVON.

No. 24.

No. 24.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 104.)

MY LORD, Downing Street, November 23, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 184,* of the 3rd of this month, enclosing a copy of an approved Minute of the Executive Council of Canada on the subject of the resolution adopted by the Delegates from Nova Scotia and New Brunswick, with the view of bringing Prince Edward Island into the Confederation of British North America.

* Page 27.

I have, &c.

Viscount Monck, &c. &c.

(Signed) CARNARVON.

No. 25.

No. 25.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Viscount MONCK.

(No. 119.)

MY LORD, Downing Street, December 17, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 203,* dated the 29th November last, enclosing an Address to Her Majesty from the Provincial Association of Protestant Teachers of Lower Canada, complaining of certain alleged grievances in the educational system at present in force in Lower Canada, and praying that provisions may be introduced into the proposed Imperial Act of Confederation calculated to protect the educational interests of the Protestant inhabitants of Lower Canada.

* Page 28.

The question of education is one of the important subjects which may be expected to be discussed by the North American Delegates when in conference in this country, and the present memorial, which has been duly laid at the foot of the Throne, shall then receive full consideration.

I have to request you to communicate to the memorialists the substance of this Despatch.

I have, &c.

Viscount Monck, &c. &c.

(Signed) CARNARVON.

No. 26.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Lieut.-General Sir JOHN MICHEL.

(No. 123.)

SIR, Downing Street, January 5, 1867.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 6,* of the 12th December, enclosing memorials from the Roman Catholic Bishops of Canada East and Canada West respectively. * Page 29.

I have to request that you will acquaint the Bishops that the question of education to which their memorials relate will engage my attention in conjunction with the Delegates from the British North American Provinces.

I have, &c.

Lieut.-General Sir John Michel, &c. &c. &c. (Signed) CARNARVON.

No. 27.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Lieut.-General Sir JOHN MICHEL.

(No. 124.)

SIR, Downing Street, January 7, 1867.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 8,* of the 13th December, enclosing a letter from the Honourable A. A. Dorion, accompanied by a memorial signed by himself and other members of the Canadian Legislature. * Page 31.

I have to request that you will acquaint Mr. Dorion, for the information of himself and of the other gentlemen whose names are attached to the document, that their memorial has now reached my hands through yourself, as the officer administering the Government of the Province, and that its contents will be duly weighed in common with the various other communications which have been received on the subject of Confederation.

I have, &c.

Lieut.-General Sir John Michel, &c. &c. &c. (Signed) CARNARVON.

No. 28.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to the Officer Administering the Government.

(No. 131.)

SIR, Downing Street, January 30, 1867.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 5,* of the 4th inst., transmitting an address to the Queen, from the Rev. John Bethune, and others, residing in Lower Canada, praying that the interests of the Protestant and English minority of Her subjects in that Province may be secured in the proposed scheme for the Confederation of the British North American Colonies. You will inform Mr. Bethune that the important questions indicated in the address are under my consideration, in conjunction with the delegates. * Page 36.

I have, &c.

The Officer Administering the Government, &c. &c. &c. (Signed) CARNARVON.

No. 29.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to the Officer Administering the Government.

(No. 132.)

SIR, Downing Street, January 30, 1867.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 6,* of the 4th inst., transmitting an address to the Queen from the Governors, Principal, and Fellows of McGill College, Montreal, on the subject of the protection of Protestant education in the proposed scheme for the Confederation of the British North American Provinces. You will inform these gentlemen that this question is under my consideration, in conjunction with the delegates. * Page 37.

I have, &c.

The Officer Administering the Government, &c. &c. &c. (Signed) CARNARVON.

Nova Scotia.

NOVA SCOTIA.

Despatches from the Lieut.-Governor.

No. 1.

No. 1.

Copy of a DESPATCH from Lieutenant-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 41.) Government House, Halifax, Nova Scotia, December 8, 1864.
(Received January 3, 1865.)

Sir, (Answered No. 3, January 7, 1865, page 78.)

The enclosed copy of the Resolutions adopted at the Quebec Conference only reached me on the 6th inst., as there was considerable and still unexplained delay in transmitting from Canada a copy to the Delegates from this Province.

2. Those gentlemen do not think it necessary to accompany their report with any detailed explanations. Long ere this can reach you I am aware that you will have been put, by Lord Monck, fully in possession of all the proceedings and resolutions of the Conference. You are also otherwise acquainted with my own individual opinions. It is therefore unnecessary in this Despatch to enter into any further details. I shall for the present follow the example of the Delegates, and await some expression of the intentions of Her Majesty's Government in reference to the proposed federation. I am convinced that there exists, both on the part of the public and of the present Ministry, a very general disposition to show all due deference to the opinions and wishes of Her Majesty's Government.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Lieutenant-Governor.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

May it please your Excellency, Halifax, Nova Scotia, December 5, 1864.

The undersigned delegates appointed by your Excellency, at the request of the Governor-General, and charged to confer at the Quebec Conference upon the subject of a union of the British North American Provinces, have the honour to submit their report.

The Conference consisted of the following members:—

For Canada.

The Hon. Sir E. P. Tache, M.L.C., Receiver-General and Minister of Militia.
The Hon. John A. MacDonald, M.P.P., Attorney-General (U. Canada).
The Hon. G. E. Cartier, M.P.P., Attorney-General (L. Canada).
The Hon. George Brown, M.P.P., President of Executive Council.
The Hon. A. Mowatt, M.P.P., Postmaster-General.
The Hon. A. T. Galt, M.P.P., Minister of Finance.
The Hon. T. D. McGee, M.P.P., Minister of Agriculture.
The Hon. Wm. McDougall, M.P.P., Provincial Secretary.
The Hon. Alexander Campbell, M.L.C., Commissioner of Crown Lands.
The Hon. Q. C. Chappais, M.P.P., Commissioner of Public Works.
The Hon. L. H. Langevin, M.P.P., Solicitor-General (L. Canada).
The Hon. James Cockburn, M.P.P., Solicitor-General (U. Canada).

For Nova Scotia.

The Hon. Charles Tupper, M.P.P., Provincial Secretary.
The Hon. William A. Henry, M.P.P., Attorney-General.
The Hon. Jo. McCully, M.L.C.
The Hon. Robt. B. Dickey, M.L.C.
A. G. Archibald, Esq., M.P.P.

For New Brunswick.

The Hon. S. L. Tilley, M.P.P., Provincial and Financial Secretary
The Hon. W. H. Steeves, M.L.C., M.E.C.
The Hon. J. M. Johnson, M.P.P., Attorney-General.
The Hon. P. Mitchell, M.L.C., M.E.C.
The Hon. E. B. Chandler, M.L.C.
Lieut.-Col. the Hon. John H. Gray, M.P.P.
The Hon. Charles Fisher, M.P.P.

For Newfoundland.

F. B. T. Carter, Esq., M.P.P.
John Ambrose Shea, Esq., M.P.P.

For Prince Edward Island.

Col. the Hon. J. H. Gray, M.P.P.
The Hon. E. Palmer, Attorney-General.
The Hon. W. H. Pope, Provincial Secretary.
The Hon. A. A. McDonald, M.L.C.
The Hon. George Coles, M.P.P.
The Hon. T. H. Haviland, M.P.P.
The Hon. Edward Whelan, M.P.P.

The foregoing members having met at the Parliament House in Quebec on the 10th day of October last, the Conference was organized by the appointment of the Hon. Sir E. P. Taché, Chairman, and the Honourables Messrs. William McDougall, Charles Tupper, S. L. Tilley, Ambrose Shea, and W. H. Pope, Joint Secretaries; H. Bernard, Esq., was nominated by the Secretaries Executive Secretary, and approved by the Conference.

After deliberating daily at great length until Thursday, the 27th October, the Conference adjourned to Montreal, where a final meeting was held on the 29th October. At this meeting it was unanimously resolved that the various delegations should present the annexed report as the common result at which the Conference had arrived, and which it was agreed should be authenticated by the signatures of all the members. Dealing as this report does with every branch of the subject, it is not necessary that any elaborate remarks should be added in order to place the whole question fully before your Excellency, but we have much gratification in stating that nothing was more conspicuous in the discussions of the Conference than a unanimous sentiment of devoted loyalty to the Crown, ardent attachment to British institutions, and a uniform desire to adopt such a constitution as would unite the resources of all the Provinces represented in a common effort to preserve the rights and liberties which their inhabitants now enjoy as British subjects, and to ensure their continued connexion with the parent State.

The undersigned cannot conclude this report without placing on record their lively appreciation of the uniform good feeling which marked the deliberations of the Conference, and the extreme courtesy and kindness manifested on every occasion by the Government and people of Canada to the Delegates from the Maritime Provinces.

All of which is repectfully submitted.

(Signed) Charles Tupper.
W. A. Henry.
J. McCully.
Adams G. Archibald.

Report of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the City of Quebec, 10th October 1864, as the Basis of a proposed Confederation of those Provinces and Colonies.

These Resolutions are printed as an Appendix, page 158.

No. 2. No. 2.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 44.) Government House, Halifax, Nova Scotia, December 23, 1864.

Sir, (Received, Jan. 3, 1865.)

I have the honour to acknowledge receipt of your Despatch transmitting the reply of Her Majesty's Government to Lord Monck (Canada, No. 93,*) containing a general statement of the views of Her Majesty's Government on the important subject of the proposed Federation of the British American Colonies.

* Vide Papers presented 7 Feb. 1865, p. 11.

It appeared to me that it was advisable to give immediate publicity to those views of Her Majesty's Government, and accordingly I directed a Gazette Extraordinary to be issued last night containing that Despatch. I enclose some copies of that Gazette for your information.

Independent of the obvious duty of giving information of that kind early to Her Majesty's subjects in this Province, I felt that it was due to many highly respectable and loyal gentlemen holding a distinguished position in this community, and who view with suspicion the retention of local Parliaments as more likely hereafter practically to lead to disunion than to strength, to give them an opportunity of acquainting themselves

Nova Scotia.

with the sentiments entertained by Her Majesty's Ministers before committing themselves to any decided line of action.

3. I therefore hope the course which I have adopted will meet your approval.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,

The Right Hon. Edward Cardwell, M.P., Lieut.-Governor.
&c. &c. &c.

No. 3.

No. 3.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 49.) Government House, Halifax, Nova Scotia, January 5, 1865.

Sir, (Received, January 17, 1865.)

With a view to enabling you, in case of necessity, to refer readily to the speeches recently delivered at public meetings by the friends and opponents of the scheme of Federation proposed for the British American Provinces, I have had extracts made from the best reported speeches, and put them into a somewhat more convenient shape for reference than if left to be searched for through the various journals in which they have from time to time appeared.*

2. A considerable amount of ability has been exhibited on both sides, but the most practised debaters as well as the most influential portion of the press have from the first been on the side of the Delegates, whilst the early publication of the reply of Her Majesty's Government to Lord Monck on the same subject has given such an additional prestige and weight to the position and arguments of the Delegates and other friends of the measure, that unquestionably the result of the discussion has been in a great degree to disarm opposition, and also to prevent any effective organization on a great scale by the political opponents of Federation.

3. It has, however, been a great satisfaction to me to note throughout these discussions that neither party can be regarded as more loyally disposed than the other, but on both sides the tendency or supposed tendency of any suggested arrangement to promote or weaken the connexion subsisting between these Colonies and Great Britain is treated accordingly as a favourable or unfavourable feature in the scheme.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,

The Right Hon. Edward Cardwell, M.P., Lieut.-Governor.
&c. &c. &c.

No. 4.

No. 4.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 51.) Government House, Halifax, Nova Scotia, January 13, 1865.

(Received, January 31, 1865.)

Sir, (Answered, No. 5, February 3, 1865, page 78.)

I have the honour to transmit herewith copy of a Despatch† received from Lord Monck, on the 6th instant, inquiring what course I intend to pursue for the purpose of giving effect to your instructions as conveyed to his Lordship in your Despatch of the 3rd December.‡

† Lord Monck to Sir R. G. MacDonnell, 23 Dec. 1864; vide p. 2.

‡ Vide Papers, presented 7 Feb. 1865, p. 11.

As I believe your instructions clearly imply the expectation that the several Legislatures of these Provinces shall adopt an address to the Crown praying Her Majesty to direct steps to be taken for passing an Imperial Act uniting these Provinces on the general basis of the Quebec Resolutions, and as that is the policy which Lord Monck announces as intended by his Government, I have had much pleasure in intimating the entire willingness of this Government to adhere to the same policy. It is, indeed, precisely the same course which I had myself recommended as soon as I was in possession of your views on the Quebec Resolutions.

§ Lt.-Gov. Sir R. G. MacDonnell to Viscount Monck, 9 Jan. 1865, printed at p. 4.

I enclose copy of my reply§ to Lord Monck, which enlarges somewhat on the reasons why it seems inexpedient to depart in any of these Colonies from the above simple

* *The enclosures being extracts from newspapers, and of considerable length, are not printed.*

programme, as any departure therefrom might lead to hopeless variance, I and my advisers feel that the proposal of Her Majesty's Government to frame the Imperial Act with the aid of representatives of the various Colonies, specially deputed for the purpose, affords the simplest and readiest practical mode of adjusting details, which can be more effectively as well as more wisely and completely dealt with by the Imperial Parliament, than by the possibly discordant action of several independent Legislatures. Nova Scotia.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Lieut.-Governor.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

No. 5. No. 5.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

Government House, Halifax, Nova Scotia, February 2, 1865.

(No. 55.)

(Received, February 16, 1865.)

Sir, (Answered No. 10, March 1, 1865, page 79.)

In my Despatch, No. 13, of the 31st August I had the honour to announce the final appointment of delegates to represent Nova Scotia at Charlottetown, for the purpose of discussing the expediency and practicability of some union of the British North American Maritime Provinces.

It is only within the last few days that I have received from the Provincial Secretary, himself one of the delegates and joint secretaries of the Conference, the enclosed brief resumé of proceedings, which, as you are aware, became soon afterwards practically merged in the more comprehensive Conference at Quebec.

You will observe that almost from the very commencement of the Charlottetown Conference at the beginning of September, delegates from Canada, including some of the most eminent statesmen from that country, were admitted to take part in the proceedings, and its deliberations practically embraced a far more extensive question than that which had been originally submitted to the consideration of the delegates by resolution of the respective Legislatures.

The enclosed document is nevertheless interesting as forming a portion of the history of proceedings to which subsequent events have given a far wider influence than was at first anticipated.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Lieut.-Governor.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure 1 in No. 5. Encl. 1 in No. 5.

May it please your Excellency, Halifax, N.S., January 28, 1865.

On behalf of the delegates appointed by your Excellency to attend the Conference held at Charlottetown in September last, I beg to enclose for your information the following report of the proceedings of that Conference, duly authenticated by the signatures of the chairman and joint secretaries.

I have, &c.
(Signed) Charles Tupper.

To his Excellency, Sir R. G. MacDonnell, C.B.,
Lieut.-Governor, &c. &c. &c.

Report of Proceedings of a Conference held to consider the Question of a Legislative Union of Nova Scotia, New Brunswick, and Prince Edward Island.

The conference was composed of the following delegates:—

Hon. Charles Tupper, Provincial Secretary.
Hon. W. A. Henry, Attorney-General.
Hon. Jonathan McCully, M.L.C.
Adams G. Archibald, Esq., M.P.P.
Hon. R. B. Dickey, M.L.C.
Hon. S. L. Tilley, Provincial Secretary.
Hon. W. H. Steeves, M.L.C. and M.E.C.
Hon. J. M. Johnson, Attorney-General.
Hon. E. B. Chandler, M.L.C.
Hon. J. N. Gray, M.P.P.

Nova Scotia.

Hon. Col. J. H. Gray, M.E.C.
Hon. W. H. Pope, Colonial Secretary.
Hon. Edward Palmer, Attorney-General.
Hon. George Coles, M.P.P.
Hon. Andrew McDonald, M.L.C.

The delegates met at the Colonial Building, Charlottetown, P.E. Island, on the 1st day of September 1864, when on motion of the Hon. Charles Tupper, seconded by the Hon. S. L. Tilley, the Hon. Col. Gray was appointed Chairman of the Conference; the Hon. Charles Tupper and the Hon. S. L. Tilley were appointed Joint Secretaries.

After some time spent in general discussion it was decided to receive a deputation from the Government of Canada, who had arrived for the purpose of explaining to the Conference the views of that Government upon the Union of British North America.

In conformity with that decision the following members of the Canadian Government were received by the Conference on the 2nd day of September.—

Hon. J. A. McDonald, Attorney-General, C.W.
Hon. G. E. Cartier, Attorney-General, C.E.
Hon. George Brown, M.P.P., President of Executive Council.
Hon. A. T. Galt, Minister of Finance.
Hon. T. D. McGee, Minister of Agriculture.
Hon. Wm. McDougall, Provincial Secretary.
Hon. Alexander Campbell, M.L.C., Commissioner of Crown Lands.
Hon. L. H. Langevin, M.P.P., Solicitor-General, C.E.

The Conference met separately and with these gentlemen daily until Wednesday, the 7th September, and full and free discussion took place between them and the members of the Conference. Upon the 7th September, at the invitation of the delegates from Nova Scotia, the Conference was adjourned to meet at Halifax, where on the 10th September it was re-assembled at the Legislative Council chamber, and the discussions continued with the members of the Canadian Government. On the 12th September, upon the invitation of the delegates from New Brunswick, the Conference was adjourned to meet at St. John, New Brunswick.

Previous to adjournment, the Hon J. A. McDonald announced to the Conference that the Executive Council of Canada would advise his Excellency the Governor-General to invite the Lieut.-Governors of Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island to appoint delegates to attend a Conference at Quebec, to take formally into consideration the subject of a union of all the British North American Provinces.

Pursuant to adjournment the Conference met at Stubb's hotel, St. John, N.B., on the 16th September, when it was decided to adjourn until after the Conference to be called at Quebec had formally discussed the larger question in all its bearings.

An adjournment accordingly took place until again called by the chairman to meet at such time and place as he should think fit, of which due notice should be given by the secretaries to the members.

Such adjourned meeting was duly called and held at the Queen's hotel, Toronto, C.W., on the 3rd of November, when it was resolved,—

"That in view of the resolutions passed at the Quebec Conference in favour of a Confederation of the "British North American Provinces, this Conference decide to postpone the consideration of the "question of a legislative Union of the Maritime Provinces, and that the joint secretaries be requested "to draw up a report of the proceedings of the Conference for the information of the Lieutenant-Gover-"nors and of the Legislatures of the Maritime Provinces."

A vote of thanks having been passed unanimously to the chairman, for the able manner in which he had discharged the duties of his office, the Conference was on motion adjourned "sine die."

(Signed) J. Hamilton Gray, Chairman.
Charles Tupper, S. L. Tilley, } Joint Secretaries.

No. 6.

No. 6.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 56.) Government House, Halifax, Nova Scotia, February 15, 1865.
(Received February 28, 1865.)

Sir, (Answered No. 12, March 10, 1865, page 79.)

I have the honour to transmit herewith a copy of the speech with which on the 9th instant I opened the second session of the twenty-second General Assembly of this Province.

It was very gratifying to me to be able to congratulate the members of the Legislature on the unprecedented prosperity with which this Province has been favoured during the past year, thereby affording them suitable leisure to discuss the important question of Confederation of these Provinces which it will be the duty of my Government shortly to bring before them.

On Monday, the 13th inst., the President and Members of the Legislative Council waited on me at Government House with the enclosed address in reply to my speech.

Shortly afterwards, on the same day, the Speaker and Members of the House of Assembly presented to me the address which I also transmit. NOVA SCOTIA.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,

The Right Hon. Edward Cardwell, M.P., Lieut.-Governor.

&c. &c. &c.

Enclosure 1 in No. 6. Encl. 1 in No. 6.

EXTRACTS from Lieut.-Governor's Speech.

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL.
MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

* * * * *

4. At the opening of last session, the Officer then administering the Government alluded to the identity of the interests of the British North American Maritime Provinces, and laid before you a proposal for devising means of effecting their Union under one Government. The consideration which you then gave to the question led to a resolution requesting the Officer administering the Government to appoint delegates, not exceeding five in number, to confer on that subject with delegates from New Brunswick and Prince Edward Island.

5. It became my duty, on receiving permission from Her Majesty's Government, to give effect to that resolution. Therefore, with a view to a full and fair discussion, I endeavoured to bestow a national character on the delegation by requesting the aid of prominent representatives of the two great leading parties in the Province. I have directed the report presented to me by those gentlemen to be laid before you; you will thence learn their reasons for deferring the final consideration of the subject, which you had submitted to them, till another proposal, which had been made in the interim, had been first disposed of, namely, that of a general union of British North America.

6. When invited by the Governor-General to send delegates to Quebec to discuss that wider question, I considered it my duty to obtain previously the consent of Her Majesty's Government. I then appointed, on behalf of this Province, the same gentlemen who had represented her interests in the first Conference. The second Conference commenced its sittings at Quebec on the 10th October, and did not conclude them till the 29th of that month.

7. The result of their labours, proposing a Union of British North America on certain conditions embodied in 72 resolutions, has already been made public, and will now be officially communicated to you with all the correspondence connected therewith.

8. The highest authority on such a subject, the Colonial Minister of the Crown, has recorded his opinion of the labours of the delegates, and has given them credit for the warmest sentiments of loyalty, as also for conducting their deliberations with a patient sagacity, which enabled them to arrive at common conclusions of the most involved and difficult questions.

9. I feel assured that, irrespective of any political differences of opinion, such encomiums from such a quarter on British North American statesmen must be deeply gratifying to that great body of Her Majesty's subjects, who are proud to identify themselves with the welfare and reputation of these Provinces.

10. A copy of the Despatch of the Secretary of State containing those opinions, and conveying the general approval by Her Majesty's Government of the Quebec resolutions as "the best frame-"work of a measure to be passed by the Imperial Parliament," for the purposes therein more fully adverted to, was received by me on the 22nd December, and by my orders was published the same day for general information. You have, therefore, been for many weeks in possession of the views of Her Majesty's Government, and the country has for a still longer period enjoyed the opportunity of discussing the expediency of the projected union.

11. It is not my province, and I have no mission to do more than afford you the amplest and freest scope for consideration of a proposal which seriously involves your own prospects, and in reference to which you should be competent to interpret the wishes and determine the true interests of the country. I feel assured, however, that whatever be the result of your deliberations, you will deprecate attempts to treat in a narrow spirit, or otherwise than with dispassionate care and prudence, a question so broad that in reality it covers the ground of all parties, and precludes it from becoming the measure of merely one Government or one party.

12. I need only observe further, without in the least intending thereby to influence your ultimate determination, that it is obviously convenient, if not essential, for the Legislatures of all the Provinces concerned to observe uniformity in the mode of ascertaining their respective decisions on a question common to all. I have, therefore, desired to be laid before you some correspondence between the Governor-General and myself on that point.

* * * * *

Enclosure 2 in No. 6. Encl. 2 in No. 6.

To his Excellency Sir RICHARD GRAVES MACDONNELL, Knight Companion of the Most Honourable Order of the Bath, Lieut.-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.

(Extract.) The Address of the Legislative Council.

MAY IT PLEASE YOUR EXCELLENCY,

* * * * *

WE fully appreciate the great and unusual importance of the question of a Union of the British North American Provinces, to which you have been pleased to direct our attention, and we assure

Nova Scotia.

your Excellency that a question involving to so great an extent the interests of Her Majesty's subjects in this Province will not fail to receive at our hands the attention commensurate with its magnitude.

* * * * *

Extract from Address of the House of Assembly in answer to the opening Speech of the Governor.

To His Excellency Sir Richard Graves MacDonnell, Knight Companion of the Most Honourable Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.

May it please your Excellency,

* * * * * *

4. The report from the delegates appointed to confer upon the Union of the Maritime Provinces, and the resolutions of the Conference held at Quebec proposing a Union of the different Provinces of British North America, together with the correspondence on that subject, will obtain at our hands the deliberate and attentive consideration demanded by a question of such magnitude and importance, and fraught with consequences so momentous to us and our posterity.

* * * * * *

No. 7.

No. 7.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 75.)

Government House, Halifax, Nova Scotia, April 27, 1865.

Sir,

(Received May 9, 1865.)

I have the honour to report for your information that the following Resolution was possed by the House of Assembly on the 24th instant:

"Resolved, that in the opinion of this House the negotiations for the Union of Nova "Scotia, New Brunswick, and Prince Edward Island should be renewed in accordance "with the Resolution passed at the last Session of the Legislature."

2. I need scarcely tell you that my Ministry has been most anxious to give the fullest possible effect to the declared wishes of Her Majesty's Government in favour of a general Confederation of the British North American Provinces. It is obvious, however, that they would jeopardise the final success of that project if, in a very divided state of public opinion, they had submitted it to the Legislature or the country at a time when the refusal of New Brunswick to form part of that Confederation had left such an enormous gap as the space occupied by that Province between Canada and Nova Scotia.

3. A decision given at such a time and under such discouraging circumstances would probably have greatly increased the difficulty of procuring the adhesion of this Province to the larger Union at some more favourable opportunity.

4. Opponents of the present Government have argued that they had incurred an obligation to stand or fall by the result of an appeal to the Legislature or the country on the larger question. I conceive there might be something more than plausible in such an argument, if urged as a duty on the Government of New Brunswick, in case Nova Scotia had been the first to reject the proposal based on the Quebec Resolutions, because the non-adhesion of Nova Scotia could not separate New Brunswick from Canada, whereas the refusal of New Brunswick renders the discussion of Nova Scotia's adhesion so evidently fruitless and inconsequential for the time being as seriously to impair the chance of the question meeting a fair reception on its own merits. Whatever the latter may be, it is obvious that opponents of Confederation would say that the general union having become impracticable for the time, all discussion of its merits was out of season.

5. To such an extent did this feeling prevail, that even the following preamble, which originally prefaced the Resolution just passed, had to be omitted, viz., "Whereas under "existing circumstances an immediate Union of the British American Provinces has "become impracticable; and whereas a Legislative Union of the Maritime Provinces is "desirable, whether the larger Union be accomplished or not."

6. The feeling of the Legislature and of the country appeared to be so unmistakably against discussion of the Quebec Resolutions, without hope of any immediate practical result during the present attitude of New Brunswick, that even the innocuous allusion thereto in the above preamble was regarded as unseasonable; it was therefore withdrawn, and the resolution itself in favour of resuming negotiations for the legislative union of the Maritime Provinces was thereupon immediately carried without a division.

7. It may be as well to explain here that I have for some time been aware, and indeed this very day was officially informed by the Lieut.-Governor of Prince Edward Island, that his Ministry declines taking any part in the proposed negotiations, which must

therefore be regarded as limited to the two more important Provinces of New Brunswick and Nova Scotia. Nova Scotia.

8. This Province may therefore be regarded as having placed on record no decision, and not even any opinion relative to the merits of the larger question. It has simply recorded its desire "ad interim" to resume negotiations with a neighbouring Province for the purpose of effecting a Legislative Union between the two. The Legislature thereby affirms the expediency of throwing down barriers and distinctions between adjacent Provinces with nearly identical interests, and inhabited by the same race. That is in itself a matter of internal improvement and administrative economy, which apparently may be taken up without in the slightest degree impairing the prospect, of a plan intended to embrace all the Provinces, inasmuch as consolidation of two members of the proposed Confederation ought rather to give a firmer consistency to the whole.

9. I do not, however, wish to put forward any individual opinion of my own, but confess that I see much force in the concluding observations of Mr. A. G. Archibald on that subject; and I take the liberty of transmitting his speech along with those of Mr. Annand and the Provincial Secretary, as good specimens of the debate. Mr. Archibald, who was himself a delegate at Quebec, winds up by observing that whether the Union shall end with the Lower Provinces or expand to Confederation it will be alike useful to us; and if the larger Union is ever to be consummated there must be an advantage in obliterating all narrow boundaries, whether legislative or territorial, over so extensive and important a portion of the proposed Confederation as that comprised in the area occupied by New Brunswick and Nova Scotia.

10. It only remains to observe that however favourable public opinion here may be to such intermediate and smaller union, I have no reason as yet for thinking that it will meet equal favour in New Brunswick. Possibly the latter may be as little disposed to form alliances of any kind as Prince Edward Island.

11. It is probable, however, that the views of Her Majesty's Government on the subject, whether favourable, as formerly, to such an arrangement, or whether they may be induced to regard it as interfering unduly, though unintentionally, with the proposed general Confederation, would greatly influence the result of any negotiations for a Legislative Union of the Maritime Provinces.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,

The Right Hon. Edward Cardwell, M.P., Lieut.-Governor.
&c. &c. &c.

No. 8. No. 8.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right. Hon. Edward Cardwell, M.P.

(No. 78.) Government House, Halifax, Nova Scotia, May 9, 1865.

Sir, (Received, May 22, 1865.)

In reference to my Despatch, No. 75,* of the 27th ultimo, transmitting a Resolution of the House of Assembly on the subject of Union of the Maritime Provinces, I have now the honour to enclose a Resolution passed on the 2nd instant by the Legislative Council of this Province, affirming the expediency of renewing negotiations for a Legislative Union of those Provinces. This Resolution is identical with that adopted by the Assembly, except that it retains the preamble which, in deference to the feelings of the majority of the latter house, was finally omitted there, as I have already explained. * Page 58.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,

The Right Hon. Edward Cardwell, M.P., Lieut.-Governor.
&c. &c. &c.

Enclosure in No. 8. Encl. in No. 8.

Whereas, under existing circumstances, an immediate Union of the British North American Provinces has become impracticable:

And whereas, a Legislative Union of the Maritime Provinces is desirable, whether the larger Union be accomplished or not:

Resolved, That in the opinion of this house the negotiations for the Union of Nova Scotia, New Brunswick, and Prince Edward Island should be renewed in accordance with the resolution passed at the last session of the Legislature.

Nova Scotia.

No. 9.

No. 9.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right Hon. Edward Cardwell, M.P.

Government House, Halifax, Nova Scotia,
(No. 87.) June 7, 1865.
(Received June 17, 1865.)
(Answered No. 30, June 24, 1865, page 80.)

Sir,

* Page 58. In reference to my Despatch No. 75,* of the 27th April, apprizing you of the steps taken in the Legislature of this Province to revive discussion of the question of a Union of the Maritime Provinces, I have now the honour to transmit, for your information, copies of the replies which I have received from the Lieutenant-Governors of New Brunswick and Prince Edward Island.

I have, &c.
(Signed) RICHARD GRAVES MACDONNELL,
Lieut.-Governor.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. 1 in No. 9.

Enclosure 1 in No. 9.

Lieut.-Governor the Hon. Arthur H. Gordon to Lieut.-Governor Sir R. G. MacDonnell, C.B.

Sir, Fredericton, N.B., May 31, 1865.

I have the honour to enclose herewith for your Excellency's information a copy of an address presented to me by the House of Assembly of this Province, with reference to the appointment of a delegation to confer with delegates from Nova Scotia and Prince Edward Island with a view to an Union of the Maritime Provinces, as also a copy of my answer.

I have, &c.
(Signed) Arthur H. Gordon.

His Excellency Sir R. G. MacDonnell, C.B.,
&c. &c. &c.

House of Assembly, Thursday, May 25, 1865.

Whereas the Lieut.-Governor of this Province has received from the Lieut.-Governor of Nova Scotia copies of resolutions passed by the Legislative Council and House of Assembly of that Province, expressing a wish to renew the negotiation for a Union of the Maritime Provinces, and whereas it is desirable to ascertain whether a legislative or commercial Union of these Provinces, on terms advantageous to all, is practicable.

Therefore, Resolved, that an humble address be presented to his Excellency the Lieut.-Governor, requesting him to appoint delegates, not to exceed five, to confer with a delegation to be appointed by the Government of Nova Scotia and Prince Edward Island, on the subject of such a Union.

Ordered, That Hon. Mr. Smith, Mr. Ker, and Mr. Cudlip, be a committee to wait upon his Excellency with the address.

(Signed) Chas. P. Wetmore, Clerk.

Gentlemen,

I am fully sensible of the great importance of the subject to which the address now presented to me relates, and will not fail to appoint delegates to conduct its discussion on the part of this Province, as therein requested.

Encl. 2 in No. 9.

Enclosure 2 in No. 9.

Lieut.-Governor George Dundas to Lieut.-Governor Sir R. G. MacDonnell, C.B.

Sir, Government House, Prince Edward Island, May 30, 1865.

With reference to my Despatch of the 24th ultimo, in which I informed you that a minute was being prepared expressive of the views of the Executive Council of this Island on the subject of the proposed resumption of negotiations for Union of the Maritime Provinces. I have now the honour to enclose that minute.

I have, &c.
(Signed) George Dundas,
Lieut.-Governor.

His Excellency Sir R. G. MacDonnell, C.B.,
&c. &c. &c.

Extract from Minutes of the Executive Council. Nova Scotia.

Council Chamber, April 18, 1865.

At a Meeting of Council. Present: His Excellency the Lieut.-Governor, &c., &c., &c.

His Excellency having laid before the Board a communication from Sir Richard Graves MacDonnell, Lieut.-Governor of Nova Scotia, enclosing certain resolutions proposed by the Government of Nova Scotia to the Legislature of that Province, suggesting the resumption of negotiations for union of the Maritime Provinces; and also expressing his Excellency's desire to know how far the Government of this Island is disposed to co-operate in effecting the proposed Union. It was resolved, that, inasmuch as the people of this Colony are averse as well to union of this Island with Nova Scotia and New Brunswick as to a Federal Union of all the British North American Colonies and Provinces, the Board decline to renew negotiations for the union of Nova Scotia, New Brunswick, and Prince Edward Island, as proposed by the Government of Nova Scotia.

A true extract, which I certify.

(Signed) Charles Desbrisay,
Clerk Executive Council.

No. 10. No. 10.

Copy of a DESPATCH from Lieut.-Governor Sir R. G. MacDonnell, C.B., to the Right. Hon. Edward Cardwell, M.P.

Government House, Halifax, Nova Scotia,
(No. 93.) July 6, 1865.
(Received July 17, 1865.)
Sir, (Answered No. 36, July 22, 1865, page 80.)

I have the honour to acknowledge the receipt of your Despatch No. 29,* of the 24th June, transmitting copy of a correspondence between yourself and Lord Monck on the affairs of British North America, and more especially alluding to the recent conferences between Her Majesty's Government and a deputation from that of Canada. * Page 79.

Your Despatch addressed to myself contains such an earnest and emphatic declaration of the views of Her Majesty's Government as to the paramount importance of union under one government, and those views are, moreover, expressed in a manner so calculated to impress the people of this Province with a sense of the just authority attaching to the deliberate opinion of Her Majesty's Government, that I have felt it my duty not to withhold that Despatch a single day from publicity.

If my action were to be limited by your instruction to lay the correspondence before the Legislature of Nova Scotia at its next meeting the friends of Confederation would probably find themselves deprived till next February of the very great support which they cannot but derive from an earlier publication of so judicious an exposition of the opinions of Her Majesty's Government, I have therefore not hesitated to give it immediate publicity, as you will perceive from the enclosed copy of the Royal Gazette of the 5th instant, and I trust that you will approve the course which I have adopted.

I have, &c.

(Signed) RICHARD GRAVES MACDONNELL,
Lieut.-Governor.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

No. 11. No. 11.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 30.) Halifax, Nova Scotia, April 26, 1866.
(Received May 8, 1866.)
Sir, (Answered No. 26, May 12, 1866, p. 80.)

By the last New York mail packet I had the honour of sending you, in an informal manner, an announcement of the passage, through both Houses of the Legislature of this Province, of a resolution in favour of the future Confederation of the British North American Provinces.

Nova Scotia.

I now beg to enclose a copy of the resolution in question, and to state that the numbers on dividing were as follows:—

In the Legislative Council - - - -	13 to 5.
In the Legislative Assembly - - - -	31 to 19.

It is highly gratifying to be able to add, that this all-important measure was warmly supported by the most eminent men of both parties in Parliament, and thus triumphantly carried after a protracted and well-sustained debate. And I would fain add my firm belief that every man who voted for the measure felt that he was exhibiting to the Queen the highest proof of his loyalty and devotion, at the same time that he was rendering to his native Province an inestimable service.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) W. F. WILLIAMS.

Encl. in No. 11.

Enclosure in No. 11.

"Whereas, in the opinion of this House it is desirable that a Confederation of the British North American Provinces should take place:

"Resolved therefore, That his Excellency the Lieut.-Governor be authorized to appoint delegates to arrange with the Imperial Government a scheme of union which will effectually ensure just provision for the rights and interests of this Province, each Province to have an equal voice in such delegation—Upper and Lower Canada being, for this purpose, considered as separate Provinces."

No. 12.

No. 12.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 32.) Halifax, Nova Scotia, April 26, 1866.
(Received May 8, 1866.)
(Answered No. 29, May 25, 1866, p. 81.)

Sir,

In compliance with the request of certain Members of the Legislative Council and Legislative Assembly, I have the honour to forward the accompanying Address.

Without remarking on the unusual course adopted by these gentlemen, or the tone of their Address, I beg to express my entire concurrence in the accompanying minute of my Executive Council, which I have also the honour to enclose.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) W. F. WILLIAMS.

Encl. 1 in No. 12.

Enclosure 1 in No. 12.

To the Queen's most Excellent Majesty.

The humble Address of the undersigned, Members of the Legislative Council and House of Assembly of Nova Scotia.

May it please Your Majesty,

The undersigned desire to approach the throne with the expression of their loyal attachment to Your Majesty's person and Government.

For more than a century the Province of Nova Scotia has enjoyed the advantage of representative institutions resting on the confidence and respect of her own people, and since 1839 she has possessed entire control over her revenues, trade, appointments, and education, and generally exercised, in due subordination to Your Majesty's just authority, all the powers of self-government.

Nor have these privileges been abused. The undersigned venture to assure Your Majesty with becoming pride, that in no part of Your Majesty's widely extended empire have they been exercised with more justice and discretion.

Nova Scotia.

Our fathers, in the American revolutionary war, adhered to the side of England; during the war of 1812–15 the harbours of Nova Scotia formed the bases of operations, and her sons fought to defend the national flag by land and sea. In all the trials of the parent State the people of this Province sincerely sympathize; and recently, when unquiet spirits sought to disturb the frontier, and when angry complications, growing out of national questions, threatened the peace of the Continent, the population of Nova Scotia were united in sentiment, and stood prepared to maintain their allegiance and to defend their country.

The priceless blessing of self-government makes the people content; while participation in the civilization, the commercial prosperity, and the glories of the empire, render them proud of their connexion with it, and indisposed to try rash experiments by which their control over their own affairs must be surrendered, and their connexion with the parent State may be ultimately broken.

The people of this country viewed with just alarm a scheme of Confederation, arranged by certain gentlemen at Quebec in 1864 without any authority from the Legislatures or people of the maritime Provinces, and sought to be forced upon them all with indecent haste, and without that deliberate review and general acceptance which can alone reconcile any free people to great constitutional changes. That scheme, rejected by the electors of two of the Maritime Provinces and by the Legislatures of them all, we fear has not been abandoned. By the free use and abuse of Your Majesty's name, and by threats that your protection would be withdrawn, a resolution has been carried through the Legislature of Nova Scotia, giving power to certain gentlemen to be selected by the local Government to change, modify, or overturn the institutions of this Province at their pleasure, without any reference to the people who for a century have enjoyed them, and who we venture to assure Your Majesty would deeply resent such a violation of the trust reposed in their representatives, and (if measures thus prepared were sanctioned by Your Majesty's Government) of the pledged faith and honour of the Crown.

Our prayer to Your Majesty therefore is, that no measure to effect grave changes in the constitution of this Province may be sanctioned by Your Majesty or submitted to Parliament, till it has been published in the Province, considered in the Legislature, and submitted to the deliberate acceptance or rejection of the people at the polls.

Stayley Brown, M.L.C.
R. A. M'Heggey, M.L.C.
William C. Whitman, M.L.C.
Freeman Tupper, M.L.C.
Samuel Chipman, M.L.C.
William Annand, M.P.P., East Halifax.
Thomas Killam, M.P.P., County Yarmouth.
Daniel Moore, M.P.P., South King's.
Edw. L. Brown, M.P.P., South King's.
Stewt. Campbell, M.P.P., Guysborough.
Thomas Coffin, M.P.P., Shelburne.
John Locke, M.P.P., Shelburne.
Robert Robertson, M.P.P., Shelburne.
William Ross, M.P.P., Victoria.
A. W. M'Lelan, M.P.P., North Colchester.
Wm. H. Townsend, M.P.P., Yarmouth.
William Blackwood, M.P.P., North Colchester.
Isaac S. Hatfield, M.P.P., Yarmouth.
Henry Balcam, M.P.P., Halifax.
Wm. H. Ray, M.P.P., Annapolis.
James W. King, M.P.P., Hants.
William Lawrence, M.P.P., Hants.
A. Hebb, M.P.P., Lunenburg.

Halifax, Nova Scotia, April 25, 1866.

Enclosure 2 in No. 12.

Encl. 2 in No. 12.

The Executive Council beg leave respectfully to offer the following observations upon the memorial to Her Majesty the Queen, signed by five members of the Legislative Council and eighteen members of the Assembly, upon the subject of the Confederation of British North America.

The Council fail to perceive how "the priceless blessing of self-government" which the memorialists profess so highly to value is to be maintained if the deliberate action of overwhelming majorities of both branches of the Legislature, taken after full discussion, is to be overruled by the Imperial Government, at the instance of the minority.

The Council cannot concur in the opinion that the control of the people of this Province over their own affairs will be surrendered by uniting the British North American Provinces under one Government, and they confidently expect this union, adopted after the earnest solicitation of the parent State, will cement and strengthen the bonds which now connect this Province with the mother country.

The statement that the Quebec Conference was held without any authority from the Legislature of this Province can scarcely be considered accurate, when the fact is stated that all of the memorialists who were in the Assembly in 1861 voted for the following resolution, submitted by a Government of which Messrs. Annand and Locke, two of them, were members, and which received the unanimous assent of the Legislature.

"Whereas the subject of a union of the North American Provinces, or of the Maritime Provinces, from time to time has been mooted and discussed in all the Colonies.

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"And whereas, while many advantages may be secured by such a union, either of all these Provinces or a portion of them, many and serious obstacles are presented, which can only be overcome by mutual consultation of the leading men of the Colonies, and by free communication with the Imperial Government.

"Therefore, resolved that his Excellency the Lieutenant-Governor be respectfully requested to put himself in communication with his Grace the Colonial Secretary and his Excellency the Governor-General, and the North American Colonies, in order to ascertain the policy of Her Majesty's Government and the opinions of the other Colonies, with a view to the enlightened consideration of a question involving the highest interests, and upon which the public mind in all the Provinces ought to be set at rest."

The charge of having passed this matter with "indecent haste" the Council cannot understand, as more than a year was suffered to elapse after the proposal to unite these Provinces was submitted to the Legislature before any action was invited thereon.

The Council emphatically deny that any "use or abuse of Her Majesty's name" has been resorted to in carrying this question, which has not been fully sanctioned by Her Majesty's Ministers, who, in the papers submitted to Parliament by Her Majesty's command, declared that it was "the determi-
"nation of Her Majesty's Government to use every proper means of influence to carry into effect
"without delay the proposed Confederation."

It is quite true that the Council have felt themselves justified in drawing the attention of the Legislature strongly to the following paragraph, in the Despatch of the Right Honourable the Secretary of State for the Colonies, and in urging upon them the duty of adopting the defensive measure thus emphatically brought to their attention, lest the disposition of the Imperial Government to protect the Province might be imperilled.

"But there is one consideration which Her Majesty's Government feel it more especially their duty to press upon the Legislature of Nova Scotia. Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern, the Colonies must recognize a right and even acknowledge an obligation incumbent on the Home Government to urge with earnestness and just authority the measures which they consider most expedient on the part of the Colonists, with a view to their own defence.

"Nor can it be doubtful that the Provinces of British North America are incapable, when separated and divided from each other, of making those just and efficient preparations for national defence which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole."

The statement that the action of the Legislature gives power to "certain gentlemen to be selected
"by the local Government to change, modify, or overturn the institution of this Province at their
"pleasure" is best refuted by the terms of the resolution itself, which are as follows:—

"Whereas in the opinion of this House it is desirable that a Confederation of the British North American Provinces should take place.

"Resolved therefore, that his Excellency the Lieutenant-Governor be authorized to appoint delegates to arrange with the Imperial Government a scheme of union which will effectually ensure just provision for the rights and interests of this Province, each Province to have an equal voice in such delegation, Upper and Lower Canada being, for this purpose considered as separate Provinces."

It is complained by the memorialists that this action is proposed to be taken "without any reference
"to the people," and it is declared that they would resent "such a violation of the trust reposed in
"their representatives," and it is asked "that nothing shall be done without having the measure first
"submitted to the people at the polls."

When the late Government, of which Messrs. Annand and Locke were members, obtained authority to deal with the subject of a Union of the Colonies, they invited the action of the other Colonial Governments by an official communication, signed by Mr. Howe, the then Provincial Secretary, of which the following is an extract:—

"You will perceive that the Colonial Governments are left free to invite all the leading men of all the Provinces concerned to a discussion of the question of union, either of all the Provinces or the Maritime Provinces only; and Her Majesty's Government, it would appear, are disposed to give due weight and consideration to any resolutions to which the Colonial Legislatures may concur.

"It must be obvious that there can be no great progress made towards an adjustment of this question unless the resolutions to be submitted to the Colonial Legislatures are in substance the same, and in order that uniformity in spirit, and, if possible, in language, may be secured."

It does not seem to have been then considered necessary to refer the question to the people at the polls. The same Government also put on record on various other occasions their opinions as to the legitimate powers of the representatives of the people, as may be seen by the following minute of Council, dated 1st November 1860:—

"A vast majority of the people of England are not represented in Parliament at all; yet the Executive Council need not inform your Excellency that a public man would be laughed at who claimed to seize the Government because he had their support. Forty counties in England, with a population in 1841 of 9,109,281, had but 143 members, while 187 cities and boroughs, including but 5,879,327, had 323. Now, what would be thought of any statesman, with the county members at his back, if he claimed to rule England or compel the Sovereign to dissolve, with the representatives of the cities and boroughs against him? What representative of the smallest constituency in Great Britain would yield to the member returned by the largest any more influence than he had himself, or admit, before a ministry was turned out, that it was necessary not only to count the members in the lobbies, but their constituents also? * * * * * * At this moment a majority of the people of the constituencies and their representatives support the Administration, and we have a larger proportionate majority to sustain us than Lord Palmerston had in the mother country. Under these circumstances we are not very much afraid of the interference of the Imperial Parliament."

Minute of Council, dated January 29, 1861:—

"Mr. Hatfield and Mr. Campbell are the best judges of the soundness of their own views, and of the propriety of their conduct. They are not delegates, but Members of Parliament, and from the moment they were elected they were bound to represent not only Digby or Argyle, but the whole Province, whose great interests were committed to their care. This doctrine, laid down by Mr. Burke at Bristol in 1774, has never been questioned in the Imperial Parliament. Mr. Horsman, member for Stroud, though recently called on by his constituents to resign, has, asserting his rights and illustrating this sound British doctrine, positively refused. If members were to resign whenever for a moment they displeased their constituents, the calls would be frequent, personal independence would be rare, and questions would be decided by requisitions rather than by fair deliberation and manly debate. If Parliament were to be dissolved whenever a gentleman changed sides, or a discontented constituency petitioned, free institutions would become a source of endless distraction, and no man would ever dare to deliberate or run the risk of being convinced."

On March 30, 1861, Lord Mulgrave, by the advice of the Government, of which Messrs. Annand and Locke were members, said, in a Despatch to the Colonial Secretary:—

"It is the undoubted principle of the British Constitution that a member once returned by a constituency has to consider what he believes to be the interests of the whole country and not the simple wishes of his own constituency. He is elected a representative and not a delegate, and the constituency have given up to him for the limited period fixed by law for the duration of Parliament the power which they possessed. They have a right to represent to him their views and to refuse to re-elect him at the end of the Parliament if they are dissatisfied with his conduct, but they have no right during the duration of Parliament to coerce his actions, still less have they the right to expect that the Royal Prerogative should be used because they are dissatisfied with the choice they have made."

In conclusion, the Council may state that more than a year since they submitted the proceedings of the Quebec Conference to the Legislature, that the subject of a union of the British North American Colonies has been constantly discussed in this Province since that time. Yet the opponents of union were only able to obtain the signatures of 8,085 people out of a population of not less than 350,000 for presentation to the House during the present session, praying that it might be referred to the people at the polls. The foregoing resolution, after full deliberation and discussion, was carried in the Legislative Council by a vote of 13 to 5, and in the House of Assembly by 31 to 19. All the members of the present Government and four members of the late Government, of which Mr. Howe was the leader, united in sustaining the resolution, while but two voted against it.

Under these circumstances the Council believe they are fully warranted in the opinion that the public sentiment of this Province has been most emphatically expressed on this great question in the only manner recognized by the constitution of this Province or the practice of Great Britain.

All of which is respectfully submitted.

(Signed) Charles Tupper.
W. A. Henry.
J. W. Ritchie.
James McNab.
Jas. M'Donald.
John M'Kinnon.
Alex. Macfarlane.
S. L. Shannon.
J. Creighton, absent.

No. 13.

Extract from a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 35.) Halifax, Nova Scotia, May 10, 1866.
(Received May 21, 1866.)
(Answered No. 30, May 25, 1866, p. 81.)

"In doing myself the honour to forward the enclosed Address to Her Gracious Majesty, together with my reply to the deputation, I beg to remark that I believe this attempt to agitate the Province to be a complete failure."

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Encl. 1 in No. 13.

Enclosure 1 in No. 13.

To his Excellency Sir William Fenwick Williams of Kars, Bart., Lieut.-General in Her Majesty's Army, Knight Commander of the most Honourable Order of the Bath, Grand Officer of the Légion d'Honneur, 1st class of the Turkish Order of the Medijee, &c., Lieut.-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its dependencies, &c. &c. &c.

We, the undersigned committee duly appointed at a public meeting, held at Windsor in the county of Hants, and Province of Nova Scotia, on Tuesday the 8th day of May A.D. 1866, to present to your Excellency the accompanying address and paper thereto annexed, to be forwarded to the Queen's most Excellent Majesty,

Humbly pray that your Excellency may be pleased to transmit the said address and the paper thereto annexed to Her most Gracious Majesty, at the earliest possible period.

(Signed) Edward McLatchy.
Daniel Mosher.
William Chambers.

Windsor, 8th May 1866.

Encl. 2 in No. 13.

Enclosure 2 in No. 13.

At a general public meeting of the inhabitants of the county of Hants, in the Province of Nova Scotia, held at Windsor, in said county on Tuesday the 8th day of May A.D. 1866, the accompanying address to the Queen's most Excellent Majesty, having been moved by Elkanoh Young, Esq., and seconded by Edward Riley, Esq., was put to the said meeting and carried by an overwhelming majority, about fifteen only voting against it, and upwards of 1,200 voting for said address.

At the said meeting a committee composed of Edward McLatchey, Esq., Daniel Mosher, Esq., William Chambers, Esq., and S. M. Weeks, Esq., M.D., was appointed for the purpose of preparing and presenting to the Lieutenant-Governor of this Province a petition, requesting his Excellency to transmit the said address and these minutes to the Queen's most Excellent Majesty, at as early a day as possible.

Edward McLatchy, Chairman.

Dated at Windsor, this 8th day of May 1865. D. E. Geldrit, Secretary.

Encl. 3 in No. 13.

Enclosure 3 in No. 13.

To the Queen's most Excellent Majesty.

The Petition of the inhabitants of the county of Hants, humbly showeth—

That the county of Hants forms a central portion of the Province of Nova Scotia, and that its people are chiefly engaged in agricultural pursuits, mining, shipbuilding, and navigation.

That it contains seven regiments of enrolled militiamen and sends to sea 54,000 tons of shipping bearing the flag of England.

That the people of this county in common with their fellow-countrymen have since its first foundation discharged all the duties of loyal British subjects; they have sent representatives to the Provincial Parliament since 1758, and for a quarter of a century have enjoyed self-government in as full and ample a manner as other British subjects have in the most favoured parts of the Empire.

That the people of Hants, living in peace and prosperity, ready at all times to maintain their allegiance and defend their country, have been justly alarmed by attempts at revolutionary change to which they have never given their consent and for which they see no necessity.

A scheme of Confederation was hastily prepared at Quebec in 1864, by delegates who had no authority from the Legislature or people of Nova Scotia to consent to a political union with Canada.

That scheme, unfair and distasteful to the Maritime Provinces, after convulsing them all for 18 months, has been rejected by two, put aside by a third, and was so unfavourably received in this Province, that its promoters never ventured formally to submit it to the Legislature or to the people at the polls.

It is now proposed to entrust to a committee the preparation of a measure, to be embodied in a bill and submitted to the Imperial Parliament, without affording to the people, whose rights, revenues, and future prosperity it may materially affect, any opportunity to protect themselves in the ordinary modes known to the Constitution, and practised by the people of all free States.

The prayer of the people of Hants therefore is, that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that Your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long, until by all the forms sanctioned by the usage of the mother country they have been deliberately resigned.

Edward McLatchy, Chairman.

Encl. 4 in No. 13.

Enclosure 4 in No. 13.

Gentlemen, Halifax, Nova Scotia, May 10, 1866.

I regret that pressing business prevented my receiving you yesterday.

I shall, agreeably to the request contained in your minutes, forward the accompanying minutes and address to the Colonial Secretary to be laid before the Queen.

Full details of the events on which these documents touch are in the possession of the Imperial Government, and it will be for the British Cabinet to judge of the justness or otherwise of the allegations contained in the address to Her Majesty; yet I cannot doubt, in balancing the actions of the Government and Legislature of Nova Scotia in this momentous crisis, with the motives of the meeting from whom this address emanates, that the Queen's Government will rightly judge where lies that revolutionary tendency which this address would fain attach to the proceedings of the faithful and loyal representatives of this Province. Nova Scotia.

I have, &c.

To Edward McLatchy, Esq. (Signed) W. F. Williams.

No. 14. No. 14.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 42.)

Halifax, Nova Scotia, May 24, 1866.
(Received June 4, 1866.)
(Answered, No. 38, June 9, 1866, page 81.)

Sir,

In accordance with the wish expressed in the accompanying letter I have the honour to forward the enclosed petition to Her Majesty.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) W. F. WILLIAMS.
&c. &c. &c.

Enclosure 1 in No. 14. Encl. 1 in No. 14.

May it please your Excellency. Canning, May 14, 1866.

A public meeting called by the High Sheriff of the county of Kings, in pursuance of numerously signed requisitions, was held in the Shire Town on Thursday the 10th of May. At that meeting the enclosed address to Her Gracious Majesty the Queen was adopted unanimously, and I was instructed to transmit it to your Excellency, that it might be laid at the foot of the Throne. Resolutions were unanimously passed condemning the action of the Legislature in the matter of Confederation, and requesting the two members for the southern district, who voted for the resolution, to resign.

I have to request that the address and a copy of this letter may be forwarded to the Right Hon. the Secretary of State for the Colonies by next mail.

I have, &c.

His Excellency the Lieut.-Governor, (Signed) Charles Dickie,
&c. &c. &c. Chairman.

Enclosure 2 in No. 14. Encl. 2 in No. 14.

To the Queen's most Excellent Majesty.

The petition of the inhabitants of the county of Kings,

Humbly sheweth—

That the county of Kings is one of the oldest, most improved, and flourishing counties of this Province, its population being engaged in agricultural pursuits, ship building, commerce, and navigation.

That it contains six regiments of enrolled militia, and sends to sea 20,000 tons of shipping bearing the flag of England.

That the people of this county have enjoyed the privilege of sending members to the Provincial Parliament for more than a century, and, in common with their fellow-countrymen, have discharged all the duties of loyal British subjects, and for more than 20 years have enjoyed the inestimable blessing of self-government, raising, controlling, and dispensing their own revenues, and directing the administration of their affairs.

That the people of Kings county desire still to enjoy these great privileges, and to transmit them unimpaired to their children.

That they highly prize their connexion with the parent State, under whose mild rule they have lived and prospered, and whose flag they are ready to defend, but they do not desire to be transferred to the dominion of a sister province with which they have no connexion—almost no trade, and which, being frozen up for five months of the year, and possessing no navy or troops to spare, is incapable of forming a new nationality, or protecting the sea-board of Nova Scotia.

That the people have viewed with just alarm the attempts which have been made by reckless persons to effect revolutionary changes which they have not ventured to submit to the deliberate judgment of the population whose welfare in all time to come they would so deeply compromise. The scheme of Confederation arranged at Quebec in 1864 was not less distasteful to the people of Kings than is the proposition to entrust powers to a committee to prepare another to be embodied in an Act of Parliament and sanctioned by the Crown, without being submitted to the people at the polls.

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The prayer of the people of Kings, therefore, is, that no change in the institution of this country may be made until it has been submitted to the test of public opinion, and that Your Majesty will sacredly guard the rights we have loyally exercised and enjoyed so long, until by all the forms sanctioned by the usage of the mother country they have been deliberately resigned.

No. 15.

No. 15.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 43.) Halifax, Nova Scotia, June 6, 1866.

(Received June 18, 1866.)

(Answered, No. 40, June 21, 1866, page 82.)

Sir,

I have the honour herewith to transmit a copy of the proceedings of a meeting held at Yarmouth, together with an Address to Her Gracious Majesty adopted at that meeting.

I have, &c.

(Signed) W. F. WILLIAMS.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

Encl. 1 in No. 15.

Enclosure 1 in No. 16.

At a public meeting held at the Court-house in Yarmouth, on the 19th day of May 1866, Nathan Moses chairman, George Killam secretary.

Hon Joseph Howe was introduced to the meeting, and commenced with an eloquent eulogy on the character of Her Majesty Queen Victoria, as a child, a wife and mother, a queen and a widow, at the conclusion of which the audience gave three hearty cheers for Her Majesty Queen Victoria.

Mr. Howe then addressed the meeting for over two hours, on the question of Confederation with Canada, at the close of which it was moved by Dr. Joseph B. Bond, seconded by Nathan Weston, and Thomas Killam, Esq., M.P.P., that the following address, prepared by a committee appointed for that purpose, at a public meeting held in this place on the 24th of April 1866, be adopted by this meeting:—

To the Queen's most Excellent Majesty.

The petition of the inhabitants of the county of Yarmouth humbly showeth—

That the county of Yarmouth contains about 16,000 inhabitants, five regiments of militia, and owns about 100,000 tons of shipping bearing the flag of England.

That the people of this county have discharged all the duties of loyal British subjects, have sent members to the Provincial Parliament for about a century, and under Your Majesty's beneficent rule are prosperous and content.

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion, and very little trade.

That a scheme of Confederation arranged at Quebec in 1864, without the consent of the constituencies of the Province, who have never either before or since that time been consulted on the subject, would be an invasion of their rights, and would, if sanctioned by Your Majesty's Government, create wide-spread dissatisfaction in this loyal and happy Province.

That since the said Quebec scheme was made public a township election has taken place in this county, when both the opposing candidates pledged themselves strongly against any scheme of Confederation with Canada.

The prayer of the people of Yarmouth, therefore, is that no change in the institution of this country may be made until it shall have been submitted to the people at the polls, and that Your Majesty will sacredly guard the rights which we have so long loyally exercised and enjoyed.

The meeting was then addressed by Thomas Killam, Esq., R. L. Weatherbee, J. C. Troop, and Hervey Cann, Esq., against Confederation, and by Samuel Flint, Esq., in favour.

On the question being taken, the address was adopted almost unanimously.

Moved by Loran E Baker; seconded by Hervey Cann, Esq.—

That the thanks of this meeting be given to the Hon. Joseph Howe for the noble and patriotic stand he has taken in behalf of the constitution of his native Province, and the liberties of his countrymen.

Passed unanimously.

Moved by John K. Ryerson, Esq.; seconded by William Rogers, Esq.—

That the committee who prepared the address adopted this day, Thomas Killam, Esq., M.P.P., Hon. Stayley Brown, M.L.C., Dr. Joseph B. Bond, and George Killam, be a committee to forward the address to Her Majesty the Queen, through his Excellency the Lieutenant-Governor.

Passed unanimously.

Moved by William H. Moody, Esq.; seconded by Dr. B. V. Harley—

That the thanks of the meeting be given to Nathan Moses, Esq., the chairman.

Carried unanimously.

Nathan Moses, Chairman.
George Killam, Secretary.

Dated at Yarmouth, this 19th day of May, A.D. 1866.

Enclosure 2 in No. 15.

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To the Queen's most Excellent Majesty.

Encl. 2 in No. 15.

The petition of the inhabitants of the county of Yarmouth humbly showeth—

That the county of Yarmouth contains about 16,000 inhabitants, five regiments of militia, and owns about 100,000 tons of shipping bearing the flag of England.

That the people of this county have discharged all the duties of loyal British subjects, have sent members to the Provincial Parliament for about a century, and under Your Majesty's beneficent rule are prosperous and content.

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion, and very little trade.

That a scheme of Confederation arranged at Quebec in 1864, without the consent of the constituencies of the Province, who have never either before or since that time been consulted on the subject, would be an invasion of their rights, and would, if sanctioned by Your Majesty's Government, create wide-spread dissatisfaction in this loyal and happy Province.

That since the said Quebec scheme was made public, a township election has taken place in this county, when both the opposing candidates pledged themselves strongly against any scheme of Confederation with Canada.

The prayer of the people of Yarmouth, therefore, is that no change in the institutions of this county may be made until it shall have been submitted to the people at the polls, and that Your Majesty will sacredly guard the rights which we have so long loyally exercised and enjoyed.

Nathan Moses, Chairman.
George Killam, Secretary.

Dated at Yarmouth, this 19th day of May, A.D. 1866.

No. 16.

No. 16.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 44.) Halifax, Nova Scotia, June 6, 1866.
(Received, June 18, 1866.)
(Answered, No. 41, June 21, 1866, page 82.)

Sir,

I have the honour to forward the accompanying address to Her Gracious Majesty the Queen, in accordance with a wish conveyed to me by certain of the inhabitants of the county of Digby.

I have, &c.
(Signed) W. F. WILLIAMS.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure in No. 16.

Encl. in No. 16

To the Queen's most Excellent Majesty.

The petition of the inhabitants of the county of Digby humbly showeth—

That the county of Digby contains 16,000 inhabitants, five regiments of enrolled militia, and about 19,000 tons of shipping, bearing the flag of England.

That this county, formerly part of the county of Annapolis, has long sent representatives to the general Assembly, and its people have discharged all the duties of loyal British subjects, and under Your Majesty's benign rule are prosperous and content.

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion, and very little trade. That a scheme of confederation arranged at Quebec in 1864, without the consent of the constituencies, who have never been consulted, would be a violation of their rights, and would if sanctioned by Your Majesty's Government create wide-spread dissatisfaction in this loyal and happy Province.

That while that portion of this county which borders on the sea is thickly inhabited and rapidly increasing in population and wealth, there are still considerable districts but lately reclaimed from the primæval forest, sparsely settled by immigrants from Great Britain and Ireland, encountering all the difficulties and privations incident to the early settlement of a rugged though promising country; and large grants from the revenues of the Province have yearly to be made to open up roads, construct bridges, and otherwise aid in the development and facilitate the settlement of such sections of the Province; and your petitioners regard with dismay the prospect of the transfer of the control of those revenues to a Government by which they would necessarily all be expended for widely different purposes; a deprivation which such portions of this county may afford hereafter, but certainly not for many years to come.

That while your petitioners are ready cheerfully to submit to any burden that it may be deemed necessary to impose on them for the defence of their country and their flag, and to defend that flag and the honour of the Empire wherever their aid can be available by sea or land, they are not disposed to

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adopt, as a means of ensuring their more efficient defence, a union with a Province which in 1862 refused to sanction a measure involving an increased outlay for the better and more elaborate organization of their militia, although that measure was strongly urged upon that Province by the "just authority" of Your Majesty's Government.

The prayer of the people of Digby, therefore, is that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that Your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long.

The aforegoing petition, on motion of Lieut.-Colonel Wm. B. Vail, seconded by Mr. Richard Jones, was unanimously adopted by the people of the county of Digby, assembled at a general meeting held at Weymouth this 19th day of May, A.D. 1866.

JOHN S. McNEILL,
Chairman.
WM. MEEHAN,
Secretary to the Meeting.

No. 17.

No. 17.

COPY of a DESPATCH from Lieut.-General Sir W. F. WILLIAMS, Bart., K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 48.) Halifax, Nova Scotia, June 19, 1866.
(Received, July 2, 1866.)
(Answered, No. 2, July 6, 1866, page 82.)

SIR,

I HAVE the honour herewith to transmit an address to Her Gracious Majesty the Queen from certain of the inhabitants of the county of Shelburne.

I have, &c.
(Signed) W. F. WILLIAMS.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. in No. 17.

Enclosure in No. 17.

To the Queen's most Excellent Majesty.

THE petition of the people of the county of Shelburne in the Province of Nova Scotia,

Humbly sheweth—

THAT the county of Shelburne contains a population of 12,000 principally engaged in the fisheries, and in ship building; is capable of sending into the field four regiments of enrolled militia; and owns about 20,000 tons of shipping bearing Your Majesty's flag.

That its people are the descendants of an ancestry, whose veneration for the British throne and attachment to monarchical institutions impelled them in 1783 to forsake lands and possessions in the revolted Colonies, and seek an asylum on the then inhospitable shores of this Province.

That since the first settlement of the county in 1783 its people have sent representatives to the Provincial Parliament and for the last quarter of a century have enjoyed the privileges of self-government in as ample a degree as their brethren in the British Islands.

That their instincts and traditions lead them to deprecate revolutionary changes, the end of which no man can foresee, but which once hazarded there is too much reason to fear will eventuate in a separation of these Provinces from the parent Empire and their absorption into the already unwieldy Republic of the United States.

That they have seen with alarm and indignation a scheme of Confederation, hastily prepared at Quebec in 1864, introduced into our Legislature during its late Session, without previous notice in the opening speech and forced through that body with unbecoming and unnecessary haste, and in a manner calculated to throw the gravest suspicions upon the influences employed to secure its passage.

That whilst Your Majesty's petitioners freely admit the right of their representatives in Provincial Parliament to legislate for them within reasonable limits, they cannot admit the right of such representatives to effect sudden changes, amounting to an entire subversion of the constitution, without the deliberate sanction of the people expressed at the polls.

The prayer of the people of Shelburne therefore is, that the assent of Your Majesty will be withheld from any scheme affecting the constitution of this Province, and more particularly from that known as the Quebec scheme, until such measure has been fully subjected to the test of public opinion, and deliberately pronounced upon by the people at the polls.

(Signed) JOSHUA SNOW,
Chairman.

No. 18.

No. 18.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 49.) Halifax, Nova Scotia, June 19, 1866.
(Received, July 2, 1866.)
(Answered, No. 2, July 6, 1866, page 82.)

Sir,

I have the honour herewith to enclose an address to Her Gracious Majesty the Queen from the inhabitants of the Northern District of Queen's county.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) W. F. WILLIAMS.

Enclosure in No. 18.

Encl. in No. 18.

To the Queen's most Excellent Majesty.

The petition of the inhabitants of the northern district of Queen's county,

Humbly showeth—

That the inhabitants of this district live by the cultivation of the soil, and are content to share with Your Majesty's subjects elsewhere the common blessings which their British citizenship includes.

In Nova Scotia loyalty to the Sovereign, respect for the law, and devotion to the national flag are universal sentiments. Its people prize highly the right of self-government which they have long enjoyed, and are content with their participation in the organization and glory of the empire.

Revolutionary changes in the framework of their Government, proposed by a Convention which assembled at Quebec in 1864, met no favour from the people of Nova Scotia, who view with distrust and indignation the passage of a resolution giving power to a committee to change or break down the institutions of this Province without the people having expressed any desire for such a measure, and without securing to them the constitutional right to accept or reject it at the polls.

There is no reason why Nova Scotia should be subject to the domination of Canada.

Your Majesty's subjects in this Province, proud, self-reliant, and happy, prepared to defend the just authority of the Crown, and bearing the national flag all over the world, would be broken in spirit and rendered discontented and restless if controlled by a Legislature in which they could never command a majority and by a distant authority which they could rarely hope to influence.

The prayer of the people of North Queen's, therefore, is that the institutions under which they have lived and prospered may be preserved, and that no radical changes may be sanctioned by the Imperial Government which have not been approved by the electors at the polls.

Stephen Smith, Chairman.
Joseph B. Harlow, Secretary.

No. 19.

No. 19.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. Edward Cardwell, M.P.

(No. 50.) Halifax, Nova Scotia, June 19, 1866.
(Received, July 2, 1866.)
(Answered, No. 2, July 6, 1866, page 82.)

Sir,

I have the honour herewith to transmit an address to Her most Gracious Majesty the Queen from the inhabitants of the township of Barrington.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) W. F. WILLIAMS.

Enclosure in No. 19.

Encl. in No. 19.

To the Queen's most Excellent Majesty.

The petition of the inhabitants of the township of Barrington,

Humbly showeth—

That the county of Shelburne was settled by loyalists from the revolted Colonies and by seafaring people who preferred to live under British institutions and to preserve unbroken the traditions and the interests which bound them to their mother country.

That spreading along the sea coast these people and their descendants have subdued a rugged soil, occupied the fine harbours by which it was indented, and which now present scenes of progressive and profitable industry. Many ships are built in Shelburne. Its young men prosecute the shore and deep sea fisheries with energy and success, and bear to distant seas the flag of England with pride in the vessels which year by year they add by their enterprize to the mercantile marine of the Empire.

That the people of Barrington, thus pursuing their peaceful occupations, have been startled by an attempt to break down their institutions and to unsettle the established relations between Your Majesty and Your loyal people in the Maritime Provinces of British America.

Nova Scotia.

They are content with London for their capital, believe that the representative of the Sovereign should be appointed by the Sovereign, and highly prize the right of self-government so long enjoyed under Your Majesty's care and protection, and they do not believe that the affections of a maritime people will ever cluster around a new city in the backwoods of Canada frozen up for five months of the year, and with which they have neither commercial intercourse nor historic associations.

The great markets to which the people of Barrington resort lie all before them and are open at all seasons of the year, adopting the free trade policy of England. Nova Scotia is annually extending her commerce under a system of moderate duties, and her people have no desire to have their councils controlled and their legislation shaped by an inland population who have hitherto evinced no very remarkable skill in governing themselves, and have certainly established no claim to annex great Provinces in which they have invested no capital and which they are unable to defend.

The people of Barrington therefore pray Your Majesty to attract into the military, naval, and civil service of the Empire the youth of all the Provinces; to countenance the establishment of no new nationalities too feeble to stand alone, yet difficult to be controlled; to maintain the institutions under which the maritime Colonies have prospered, and to endeavour to bind them all to one common centre of civilization, duty, and allegiance.

JAMES D. COFFIN, Chairman.

No. 20.

No. 20.

COPY of a DESPATCH from Lieut-General Sir W. F. WILLIAMS, Bart., K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 51.) Halifax, Nova Scotia, June 19, 1866.
(Received, July 2, 1866.)

SIR, (Answered, No. 2, July 6, 1866, page 82.)

I HAVE the honour herewith to transmit an address to Her Gracious Majesty the Queen from certain of the inhabitants of the county of Annapolis.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) W. F. WILLIAMS.

Encl. in No. 20.

Enclosure in No. 20.

To the Queen's most Excellent Majesty.

THE petition of the inhabitants of the county of Annapolis,

Humbly showeth—

THAT Annapolis is the oldest English settlement in the Province of Nova Scotia, containing 17,000 inhabitants, four regiments of militia, and a large amount of tonnage bearing the flag of England.

That the people of this county have discharged all the duties of loyal British subjects, have sent members to the Provincial Parliament for more than a century, and under Your Majesty's beneficent rule are prosperous and content.

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion and very little trade.

That a scheme of Confederation arranged at Quebec in 1864, without the consent of the constituencies, who have never been consulted, would be an invasion of their rights, and would, if sanctioned by Your Majesty's Government, create wide-spread dissatisfaction in this loyal and happy Province.

The prayer of the people of Annapolis is, that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that Your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long until by all the forms sanctioned by the usage of the mother country they have been deliberately resigned.

D. C. LARSELERS, Chairman.
J. C. TROOP, Secretary.

No. 21.

No. 21.

COPY of a DESPATCH from Lieut.-General Sir W. F. WILLIAMS, Bart., K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 56.) Halifax, Nova Scotia, July 2, 1866.
(Received July 14, 1866.)

SIR, (Answered, No. 5, July 21, 1866, page 82.)

IN accordance with a desire expressed in the accompanying letter, I have the honour to transmit it, together with an Address to Her Gracious Majesty the Queen, from certain of the inhabitants of the town of Liverpool.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) W. F. WILLIAMS.

Enclosure 1 in No. 21.

Nova Scotia.

Liverpool, Nova Scotia, June 9, 1866.

May it please your Excellency.

A general public meeting of about five hundred inhabitants of this town was held in Liverpool on Tuesday the 5th day of June, A.D. 1866. Encl. 1 in No. 21.

At that meeting the enclosed address to Her most Gracious Majesty the Queen was unanimously adopted.

I am instructed by the chairman of the meeting, Hon. Freeman Tupper, M.L.C., Custos Rotolorum of Queen's county, to transmit the address to your Excellency, with the request that it may be forwarded for presentation to the Queen's most Excellent Majesty with all due despatch, and that a copy of this letter accompany the address to the foot of the Throne.

I have, &c.

To his Excellency the Lieutenant-Governor, &c. &c. &c.

(Signed) S. J. M. Allen.

Enclosure 2 in No. 21.

Encl. 2 in No. 21.

To the Queen's most Excellent Majesty.

The petition of the inhabitants of the county of Queen's county,

Humbly showeth—

That the county of Queen's contains three regiments of enrolled militia, and owns upwards of 17,000 tons of shipping, bearing the flag of England. A good many new vessels are built in this county every year; and while its agricultural districts are improving, it thrives by an active fishery, the manufacture and export of lumber, and has a fair share of coasting and foreign trade.

The people of Queen's have ever been loyal to their Sovereign, attached to the mother country, and to British institutions. They have for a century sent representatives to the Provincial Parliament, and desire to retain the institutions under which they have lived and prospered; and see no necessity for any radical or material change.

They would now view with great distrust any attempt to annex Nova Scotia to Canada, or to transfer the Government and revenues of this Province to the control of a distant people, with whom we have but little commercial or social intercourse.

The prayer of the inhabitants of Queen's county is, that Your Majesty will sanction no change in the framework of, or in the mode of administering the Government of this Province, which have not been submitted for the acceptance or rejection of the people at the polls.

Freeman Tupper, M.L.C., Chairman.

No. 22.

No. 22.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. The Secretary of State for the Colonies.

(No. 61.)

Halifax, Nova Scotia, July 16, 1866.

(Received July 28, 1866.)

(Answered, No. 9, August 3, 1866, page 83.)

Sir,

I have the honour herewith to transmit an address from certain of the inhabitants of the county of Lunenburg to Her Gracious Majesty the Queen.

I have, &c.

(Signed) W. F. WILLIAMS.

The Right Hon. The Secretary of State for the Colonies. &c. &c. &c. &c.

Enclosure in No. 22.

Encl. in No. 22.

To the Queen's most Excellent Majesty.

May it please Your Majesty,—

The petition of the inhabitants of the county of Lunenburg, in Your Majesty's Province of Nova Scotia, adopted unanimously at public meetings held at Bridgewater, Mahone Bay, and Chester, in said county,

Humbly showeth,—

That this county was settled over a century ago, chiefly by natives of Germany, who with their descendants have been distinguished for unswerving loyalty to the British Crown, and for sincere respect and esteem for Your Majesty's Royal House, and it is the most earnest desire of Your Majesty's petitioners to live under the protection of the British flag and to maintain their allegiance as British subjects.

That this county has a population of over 20,000, and is rapidly increasing in wealth and prosperity; that its enrolled militia numbers eight regiments, with upwards of 4,000 first-class men, and that the vessels and men engaged in the prosecution of the fisheries number more than those of any other county the Province.

That the county is represented in the Provincial Parliament by three members, and than an election held in December last to supply a vacancy caused by the decease of one member resulted in the return of a candidate by a majority of over 680 votes opposed to any union of the Provinces being passed upon by the Legislature without action first had thereon by the people at the polls.

Nova Scotia.

That the means which have been taken to secure a union of the Provinces without the electors having been first consulted have excited in the minds of Your Majesty's petitioners great dissatisfaction and indignation, believing, as they do, that a question of such importance should be submitted for the decision of the people, as it will affect them and their descendants for all time.

We do most respectfully and earnestly pray that Your most Gracious Majesty will uphold for us those rights and privileges which under the system of responsible government granted to this Province we have so long enjoyed in peace and prosperity, and that before any union of these Provinces be carried Your most Gracious Majesty will cause the question to be submitted for the decision of the electors of Nova Scotia, a privilege which, though hitherto denied to them, has in the short space of 14 months been twice granted to their fellow-subjects in the adjoining Province of New Brunswick.

And Your Majesty's petitioners, as in duty bound, will every pray, &c.

On behalf of Electors,

Mather B. Des Brisay, Chairman of Meeting at Bridgewater.
James Starratt, Secretary.
Edward Heckman, Chairman of Meeting at Chester.
Amos F. Morgan, Secretary.
William Kedy, Chairman of Meeting at Mahone Bay.
Henry Schnare, Secretary.

No. 23.

No. 23.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. the Earl of Carnarvon.

(Separate.)

Halifax, Nova Scotia, July 19, 1866.
(Received July 28, 1866.)
(Answered, No. 10, August 4, 1866, page 83.)

My Lord,

I have the honour to inform your Lordship that the delegates, as named in the margin, from Nova Scotia, accompanied by those from New Brunswick, will proceed to England by this days Royal mail packet, the latter party arrived in Halifax yesterday with full determination to proceed to England, and my advisers in Council at once made up their minds to pursue a similiar course.

The Hon. Dr. Tupper
„ Mr. Henry
„ Mr. Ritchie
Mr. Archibald
Mr. McCully

I informed Viscount Monck in the beginning of the week that my advisers were unanimously of opinion as to the propriety, policy, and indeed urgent necessity of this move, and that I fully acquiesced in their views.

A telegram in reply from His Excellency the Governor-General conveyed an adverse opinion to this,—based on the change of the British Ministry, and on the consequent probability of the speedy closing of this session of the Imperial Parliament.

Yet I cordially join the delegates in hoping that from the tenor of the latest news from England, the Bill for the Confederation of the British North American Provinces may be passed before the separation of the Legislature; such a result would obviate much mischief, the nature and bearing of which the delegates can better explain to your Lordship than I could possibly do in a lengthened and detailed Despatch; and thus a question which has from unavoidable circumstances been too long the cause of discord and contention in these great Dependencies of the Crown will be set at rest, and I further believe that all parties will gradually, perhaps speedily, confess its present benefits, and its safeguard against future evils.

I have, &c.
(Signed) W. F. WILLIAMS.

The Right Hon. the Earl of Carnarvon.
&c. &c. &c.

No. 24

No. 24.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. the Earl of Carnarvon.

(No. 63.)

Halifax, Nova Scotia, July 25, 1866.
(Received August 13, 1866.)
(Answered, No. 13, August 24, 1866, page 83.)

My Lord,

In accordance with the wish expressed in the enclosed address, I have the honour to forward the accompanying petition from certain of the inhabitants of the county of Kings to Her Majesty the Queen.

I have, &c.
(Signed) W. F. WILLIAMS.

The Right Hon. The Earl of Carnarvon.
&c. &c. &c.

Enclosure in No. 24.

Nova Scotia.

Port Medway, July 13th, 1866.

To His Excellency Sir W. F. Williams.

Encl. in No. 24.

May it please Your Excellency,—

At a public meeting of about 500 electors, held at Port Medway in the county of Queen's, on the 7th of June 1866, the enclosed address to Her Majesty the Queen was adopted unanimously.

I have been requested by Capt. William Mortimer, J.P., chairman of the meeting, to forward the within petition to your Excellency, with the request that you will be pleased to transmit the same to Her Majesty, together with a copy of the minutes of the meeting, at your earliest possible convenience.

I remain, &c.

E. Morine,
Secretary of the Meeting.

William Mortimer,
Chairman.

Sub-enclosure in Enclosure No. 24.

Sub-Encl. in Encl. No. 24.

To the Queen's most Excellent Majesty.

The petition of the people of Queen's county, in the Province of Nova Scotia,

Humbly showeth,—

That Queen's county contains a population of 12,000, principally engaged in lumbering, fishing, and navigation; can equip three regiments of enrolled militia, and owns about 15,000 tons of shipping, bearing the flag of England.

That the county has sent representatives to the Provincial Parliament for upwards of a century, and its people for more than 25 years have enjoyed the blessings of civil and religious liberty, personal security, and temporal prosperity, under a system of responsible Government, which, modelled after that of England, leaves them nothing to desire but its undisturbed continuance.

That they have witnessed with apprehension and regret the efforts of a small party in this Province to unsettle a condition of things which has worked so satisfactorily, by sweeping away their free Constitution, by subjecting this people, their revenues, resources, and independence, to the virtual domination of another Colony, and to the doubtful issue of an experiment known as the "Quebec "Scheme of Confederation."

That even were the proposed as likely to be beneficial, as in the judgment of Your Majesty's petitioners it is certain to be injurious to the best interests of the Maritime Provinces, the means employed to force it upon the country without an appeal to the people, and with full knowledge of their intense dislike of the measure, ought to insure its rejection at the hands of a Sovereign whose ambition it is to live in the affections of her dutiful subjects.

The prayer of the people of Queen's county therefore is, that Your Majesty will be graciously pleased to withhold your Royal Assent from any measure affecting the relations of this Province to the sister Colonies until, by means of a general election, the sentiments of the people of Nova Scotia in reference to this most important subject may be truly reflected in their Legislature.

William Mortimer,
Chairman.

No. 25.

No. 25.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. the Earl of Carnarvon.

(No. 68.)

Halifax, Nova Scotia, August 16, 1866.
(Received August 27, 1866.)
(Answered, No. 17, September 11, 1866, page 84.)

My Lord,

I have the honour to transmit by request of certain of the inhabitants of the District of Port Medway, Nova Scotia, a petition to the Honourable the Commons of Great Britain and Ireland.

I have, &c.

The Right Hon. The Earl of Carnarvon. (Signed) W. F. WILLIAMS.
&c. &c. &c.

Enclosure in No. 25.

Encl. in No. 25.

To the Honourable the Commons of Great Britain and Ireland, in Parliament assembled.

The petition of the inhabitants of Nova Scotia,

Humbly showeth—

That the Province of Nova Scotia is one of the oldest Colonies of Great Britain, and one of the nearest to the mother country.

That when the American Revolution separated thirteen English Colonies from the Crown, Nova Scotia stood true to her allegiance, and furnished a home for the loyalists who sacrificed their property and their prospects in the American States for the sake of British connexion.

NOVA SCOTIA.

That ever since, during the political agitations which have disturbed this continent, especially during the war of 1812 and the Canadian rebellions of 1837–8, Nova Scotia has been steadfast in her loyalty; and that when the neighbouring Province of New Brunswick was menaced from the American side in 1839, the Legislature of Nova Scotia unanimously placed the whole revenues and resources of the country at the disposal of the Lieutenant-Governor for the defence of the British flag upon the frontier.

That this people have discharged, in other respects, the duties of British subjects to the satisfaction of the Crown. They have sent representatives to the Provincial Parliament since 1758, for a quarter of a century have enjoyed responsible Government in as full and ample a measure as have their fellow-subjects in the most favoured parts of the empire, and have preserved from degeneracy and abuse their Constitutional rights and free institutions.

That the people of this Province, from their maritime position, have developed the pursuits of ship-building, navigation, commerce, and fishing into prosperous activity. Their agricultural resources are rich and varied, while the vast mineral wealth which underlies the whole area of the country is a special guarantee of its future prosperity under favourable political conditions. The gold mines of Nova Scotia, without rising to the character of dazzling lotteries to attract a promiscuous or disorderly population from abroad, have proved steadily remunerative as a regular department of native industry, and a profitable investment for foreign capital. The great iron mines already discovered give earnest, in connexion with its coal fields, of manufacturing capabilities not inferior to those of any country of similar extent. It has the thickest coal seams in the world, and their area is extensive, affording fair ground for the presumption that for the purposes of peace or war Nova Scotia's continued connexion with Great Britain would prove of mutual advantage. Possessed of these resources, the people desire closer relations with the mother country, in order to be able to enjoy more largely the benefits, as well as share more fully the responsibilities, of the empire; and already the Province has enrolled 60,000 efficient militia and volunteers to assist in the maintenance of British power on this continent, and sends to sea 440,000 tons of shipping, built and owned within the Province, bearing the flag of England, and manned by more than 20,000 seamen.

That Nova Scotia has no controversies with the mother country, the other Provinces, or with the population of the neighbouring United States; and highly prizes the privileges, so long enjoyed, of regulating her own tariffs, and conducting trade, but lightly burdened, with the British Islands and Colonies in all parts of the world and with foreign countries.

That the people of Nova Scotia are prepared to entertain any propositions by which (preserving to them the institutions they now have and the privileges they enjoy) greater facilities for commercial and social intercourse with other States and Provinces may be secured, and they are willing, whenever their own coasts and harbours are safe, to aid Her Majesty's forces to preserve from aggression the Provinces in the rear.

But they view with profound distrust and apprehension schemes recently propounded, by which it is proposed to transfer to the people of Canada the control of the Government, legislation, and revenues of this loyal and happy Province, and they venture respectfully to crave from your honourable House justice and protection.

That the Province of Canada lies as far from Nova Scotia as Austria does from England, and there exists no reason why a people who live at such a distance, with whom we have but little commerce, who have invested no capital in our country, who are unable to protect it, and are themselves shut off from ocean navigation by frost for five months of the year, should control our legislation and Government.

That in 1864 the Government of Nova Scotia, without any authority from the Legislature, and without any evidence of the consent of the people, sent delegates to Canada to arrange in secret conference at Quebec a political union between the various Provinces. That these delegates concealed the result of their conference from the people until it became incidentally made public in another Province, and that, to this hour, they have never unfolded portions of the scheme having the most essential relation to the peculiar interests and local government of Nova Scotia subsequent to Confederation.

That the scheme, when at last made public, was received with great dissatisfaction in Nova Scotia, that the opposition to it has been constantly on the increase, and has been intensified by the conduct of the government and the delegates, who now propose to call in the aid of Your Honourable House, to assist them to overthrow, by an arbitrary exercise of power, free institutions enjoyed for a century, and never abused.

That the objections of the people to the proposed Confederation Scheme affect not merely minor local details but the radical principles of the plan. The people cannot recognize the necessity for change in their present tranquil, prosperous and free condition. They cannot believe that the proposed Confederation with the distant colony of Canada will prove of any practical benefit, either for defence or trade; while, from the past history of that country, its sectional troubles, and its eccentric political management and financial embarrassments, they have great reason to fear that Confederation would be to them a most disastrous change, retarding their progress, and rendering their prolonged connection with the Crown precarious if not impossible. Forming, as she does now, a portion of the Empire, Nova Scotia is already confederated with fifty other states and Provinces, enjoys free trade with two hundred and fifty millions of people, living under one flag, and owning the authority of one Sovereign. She has no desire to part with her self-control, or to narrow her commercial privileges by placing herself under the dominion of a sister colony, with an exposed frontier, frost-bound for a third of the year, and with no navy to defend the Maritime Provinces when her ports are open.

The scheme of Goverment framed at Quebec is unlike any other that history shows to have been successful. It secures neither the consolidation, dignity, and independent power of monarchy, nor the checks and guards which ensure to the smaller states self-government, and controlling influence over the Federal authorities, in the neighbouring republic. By adopting the Federal principle, sectionalism in the five provinces is perpetuated; by the timid and imperfect mode in which that principle is applied, the people, whose minds have been unsettled by this crude experiment, may be driven to draw contrasts, and nourish aspirations of which adventurous and powerful neighbours will not be slow to take advantage; and the people of Nova Scotia have no desire to peril the integrity of the Empire, with the

blessings they now enjoy, or to try new experiments, which may complicate foreign relations, and yet add no real strength to the Provinces it is proposed to combine. Nova Scotia.

The people object also to the financial arrangements, as specially burthensome and unfair to this Province. Having long enjoyed the control and benefitted by the expenditure of their own revenues, they cannot approve a scheme that will wrest the greater part of these from their hands, to keep up costly and cumbrous federal machinery, and to meet the liabilities of Canada.

For many years the commercial policy of Nova Scotia has been essentially different from that of Canada. The latter country, partly from necessity arising out of financial embarrasssments, and partly, as an indirect premium on her own manufactures, has adopted a tariff varying from 20 to 30 per cent. on imported goods.

Almost surrounded as Nova Scotia is by the ocean, her people are favourably situated for enjoying free commercial intercourse with every section of the British Empire, and with those foreign countries open to her commerce by the enlightened policy of the Parent State; of this privilege she has availed herself, by imitating, as far as local circumstances would permit, the liberal and free trade policy of the mother country—ten per cent. being the advalorem duty collected under the Nova Scotia tariff on goods imported into the Province. The proposed scheme of union will give Canada, by her large preponderance in the Legislature, the power to shape the tariff for the whole confederacy according to her inland ideas and necessities, so as to levy the same onerous duties on British goods imported into Nova Scotia as are now exacted by Canada.

That since the confederation scheme has been announced, there have been special parliamentary elections in three out of the eighteen counties of this Province, and in all three it has been condemned at the polls.

That in 1865 the scheme was condemned at nearly every public meeting held by the delegates to discuss it, and numerous petitions against its adoption were presented to the Provincial Parliament, and only one in its favour, until the leader of the Government declared the measure to be "impracticable."

That at the opening of the late Session no reference to confederation was made in the speech of the Lieutenant Governor, and down to a late period the people of Nova Scotia were led to believe that the scheme had been abandoned. A resolution was introduced toward the close of the Session, clothing the Government with power to appoint delegates, who, in connection with delegates from the other Provinces, are to frame a scheme of Government, to which it is proposed to ask the sanction of your Honourable House before it has been submitted to the Legislature that it may annihilate, or to the people, whose legal and constitutional rights and powers it may transfer or circumscribe.

The undersigned, menaced by a measure that may be revolutionary, repose implicit confidence in the protection of the Imperial Parliament. They deny the authority of their own Legislature, invested with limited powers for a definite term, to deprive them of rights earned by their ancestry by the most painful sacrifices, wisely exercised and never abused for more than a century, and which they had no legitimate authority to alienate or break down. They believe that any scheme of Government, framed by a Committee of Delegates and forced upon the Provinces without their revision or approval, would generate wide spread dissatisfaction among a loyal and contented people; who will not fail to reflect, that no change can be made in the constitution of any of the neighbouring States which has not first been approved by the electors; and that important measures, affecting Imperial policy or institutions, are rarely attempted till they have been submitted for acceptance or rejection by the people whose interests they are to affect.

Your petitioners therefore pray that your Right Honourable House will be pleased to defer all action in favour of Confederation in the Imperial Parliament until the people of Nova Scotia shall have exercised and enjoyed their Constitutional privilege to express their opinions at the polls, or that your Honourable House may be pleased to direct that a Special Committee shall inquire into all the features of the proposed scheme of Confederation, as it is likely to affect the several Provinces in their relations to each other and to the mother country; or that the people of Nova Scotia be permitted to appear by counsel at the Bar of your Honourable House to defend their interests and Institutions. And your petitioners, as in duty bound, will ever pray, &c.

(Signed) William Mortimer, and by 209 others.

No. 26. No. 26.

Copy of a DESPATCH from Lieut.-General Sir W. F. Williams, Bart., K.C.B., to the Right Hon. the Earl of Carnarvon.

(No. 71.) Halifax, Nova Scotia, November 8, 1866.

(Received November 17, 1866.)

My Lord, (Answerd No. 28, November 22, 1866, page 84.)

In transmitting the enclosed letter from the Lord Bishop of Nova Scotia, I beg to refer you to the leading members of my administration now in London, I can offer no public opinion on the matter in question, but at the same time I beg to record my hope that it may receive a very careful consideration on the part of those Gentlemen, and that the result of their decision may secure future peace and contentment in the great confederation which I trust is about to be established by the Imperial Parliament.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) W. F. WILLIAMS.

&c. &c. &c.

Nova Scotia.

Enclosure in No. 26.

My Lord, Halifax, November 8, 1866.

Encl. in No. 26.

Although I do not feel myself called upon to trouble you with my views respecting the scheme of Confederation now under your Lordship's consideration, regarded generally there is one point upon which I venture to appeal to you as more immediately affecting those over whose interests I am specially bound to watch.

Your Lordship is aware that much trouble has been caused in Canada by dissentions (arising from differences of creed) respecting education, and I fear if this be left an open question we may be involved in similar difficulties in this Province. I trust therefore that it may be found practicable to secure the rights of minorities in the constitution of the proposed Confederation.

I decidedly object to any division of our schools into the two classes of Roman Catholic and Protestant, and I believe the members of the Church of England in this diocese agree with me. For such a division provides for teaching at the public expense the tenets of one portion of the population while the other portion (combining several sects or denominations) is deprived of the privilege of inculcating in its schools any definite religious truth beyond the most elementary principles. Moreover I do not think that any general system of separate schools could be advantageously adopted in this Province, the population being so scattered that very few settlements can afford sufficient support for more than one. Nevertheless I do not believe there will ever be general satisfaction unless some facilities are afforded to those who may desire to have their own schools, and therefore I would suggest a clause to the following effect.

Whenever any number of heads of families declare in writing that they cannot conscientiously send their children to the common school of the section in which they reside they may establish another, and shall receive the portion of the public grant to which they may be entitled according to the scale applicable to the common schools. Such separate schools shall of course be subject in all other respects (except the amount and nature of the religious instruction to be imparted) to the regulations framed for the common schools, and the parties establishing them must pay the educational assessments.

When our present Education Act was under discussion I endeavoured to procure the insertion of a clause to the above effect but failed, the Provincial Government having considered that it would interfere with the efficiency of the one school for which they desired to secure the united support of each section. But surely it is far better to be content with a somewhat lower class of school than to incur the risk of awakening the feelings of dissatisfaction, the jealousies and heart burnings which must inevitably be caused by interference with many conscientious convictions respecting the education of their children; in most cases the knowledge that they can have a separate school will be sufficient, and as those who take advantage of the permission will subject themselves to much additional expense, there will probably be very few who will avail themselves of the privilege.

My desire is to have this important question so settled that it may no longer furnish occasion for strife, and that the whole population of the Provinces to be confederated may be satisfied that they cannot hereafter be affected by objectionable influences, and that all men, whatever their sentiments may be, shall henceforth be at liberty to claim a fair proportion of the public grants towards the education of their children in accordance with their own belief.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) H. Nova Scotia.

Despatches from the Secretary of State.

No. 1.

No. 1.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor Sir R. G. MacDonnell, C.B.

(No. 3.)

Sir, Downing Street, January 7, 1865.

* Page 52.

I have the honour to acknowledge the receipt of your Despatch No. 41,* of the 8th of December, enclosing a copy of the resolutions adopted at the Conference recently held at Quebec on the subject of the union of the British North American Provinces.

I have, &c.

Lieut.-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 2.

No. 2.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor Sir R. G. MacDonnell, C.B.

(No. 5.)

Sir, Downing Street, February 3, 1865.

* Page 54.

I have the honour to acknowledge the receipt of your Despatch No. 51*, of the 13th of January, enclosing a copy of a Despatch which you had addressed to Lord

Monck, explaining the course you proposed to adopt for giving effect to the views of Her Majesty's Government on the subject of the union of the British North American Provinces. NOVA SCOTIA.

I have, &c.
Lieut.-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 3. No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor Sir R. G. MACDONNELL, C.B.

(No. 10.)

SIR, Downing Street, March 1, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 55,* of the 2nd of February, enclosing copy of the report of the proceedings of the Conference appointed to consider the question of a Union of the Maritime Provinces of British North America. * Page 55.

I have, &c.
Lieut.-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 4. No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor Sir R. G. MACDONNELL, C.B.

(No. 12.)

SIR, Downing Street, March 10, 1865.

I have the honour to acknowledge the receipt of your Despatch No. 56,* of the 15th of February, enclosing a copy of the speech with which you opened the Session of the Legislature of Nova Scotia on the 9th of February, together with copies of the addresses presented to you in reply. * Page 56.

I have, &c.
Lieut-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 5. No. 5.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor Sir R. G. MACDONNELL, C.B.

(No. 29.)

SIR, Downing Street, June 24, 1865.

I HAVE the honour to transmit to you the copy of a correspondence between Viscount Monck and myself on the affairs of British North America, which have lately formed the subject of conferences between Her Majesty's Government and a deputation from the Canadian Government. Vide Papers presented 7th February 1865.

This correspondence having been presented to both Houses of the Imperial Parliament by command of Her Majesty, I have to direct you to communicate it also to the Legislature of Nova Scotia at its next meeting.

You will at the same time express the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one government. In the territorial extent of Canada, and in the maritime and commercial enterprise of the Lower Provinces, Her Majesty's Government see the elements of power which only required to be combined in order to secure for the Province which shall possess them all a place among the most considerable communities of the world. In the spirit of loyalty to the British Crown, of attachment to British connexion, and of love for British institutions, by which all the Provinces are animated alike, Her Majesty's Government recognize the bond by which all may be combined under one government. Such an Union seems to Her Majesty's Government to recommend itself to the Provinces on many grounds of moral and material advantage, as giving a well-founded prospect of improved administration and increased prosperity.

Nova Scotia.

But there is one consideration which Her Majesty's Government feel it more especially their duty to press upon the Legislature of Nova Scotia. Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern, the Colonies must recognize a right, and even acknowledge an obligation, incumbent on the Home Government to urge with earnestness and just authority the measures which they consider to be most expedient on the part of the Colonies with a view to their own defence. Nor can it be doubtful that the Provinces of British North America are incapable, when separated and divided from each other, of making those just and sufficient preparations for national defence which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole.

I am aware that this project, so novel as well as so important, has not been at once accepted in Nova Scotia with that cordiality which has marked its acceptance by the Legislature of Canada, but Her Majesty's Government trust that after a full and careful examination of the subject in all its bearings the Maritime Provinces will perceive the great advantages which, in the opinion of Her Majesty's Government, the proposed Union is calculated to confer upon them all.

I have, &c.

Lieut.-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 6.

No. 6.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor Sir R. G. MacDonnell, C.B.

(No. 30.)

Sir,

Downing Street, June 24, 1865.

* Page 60.

I have the honour to acknowledge the receipt of your Despatch, No. 87,* of the 7th of June, in which you enclose copies of Despatches addressed to you by the Lieut.-Governors of New Brunswick and Prince Edward Island, in reference to the question of a renewal of negotiations for a Union of the Maritime Provinces of British North America.

I have, &c.

Lieut.-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 7.

No. 7.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor Sir R. G. MacDonnell, C.B.

(No. 36.)

Sir,

Downing Street, July 22, 1865.

* Page 61.

I have the honour to acknowledge the receipt of your Despatch, No. 93,* of the 6th instant, and to inform you that as you were of opinion that an immediate publication of the correspondence which accompanied my Despatch to you of the 24th of last June would be beneficial, I see no objection to your having acted on that opinion.

I have, &c.

Lieut.-Gov. Sir R. G. MacDonnell, C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 8.

No. 8.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 26.)

Sir,

Downing Street, May 12, 1866.

* Page 61.

I have to acknowledge the receipt of your Despatch, No. 30,* of the 26th April, enclosing copy of a Resolution agreed upon by both Houses of the Legislature of Nova Scotia, in favour of the Confederation of the British North American Provinces.

Her Majesty's Government concur in the gratification which you express in announcing that this measure was warmly supported by eminent men of both parties in the Provincial Parliament, and that the proposed Union is regarded as a measure calculated to confer great benefits on the Province of Nova Scotia. Nova Scotia.

I avail myself of this opportunity of conveying to you my thanks for the telegram communicating the above important intelligence, which, at your request, was sent to me from New York by the British Consul on the 18th April.

I have, &c.
(Signed) EDWARD CARDWELL.

Lieut.-General Sir W. F. Williams, Bart., K.C.B.,
&c. &c. &c.

No. 9. No. 9.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 29.)

Sir, Downing Street, May 25, 1866.

I have the honour to acknowledge your Despatch, No. 32,* of the 26th of April, accompanied by an Address to Her Majesty signed by several gentlemen who are members of one or the other House of Legislature in Nova Scotia, praying that no measure to effect grave changes in the constitution of Nova Scotia may be sanctioned by Her Majesty or submitted to Parliament until it has been published in the Province, considered in the Legislature, and submitted to the deliberate acceptance or rejection of the people. * Page 62.

I have duly laid this address at the foot of the Throne.

I have, &c.
(Signed) EDWARD CARDWELL.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B.,
&c. &c. &c.

No. 10. No. 10.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-General Sir F. W. Williams, Bart., K.C.B.

(No. 30.)

Sir, Downing Street, May 25, 1866.

I have the honour to acknowledge the receipt of your Despatch, No. 35,* of the 10th of May, enclosing a Petition to the Queen from the inhabitants of the county of Hants, together with a copy of your reply to the deputation who presented it, praying that no change in the institutions of the Province may be made until it has been submitted to the test of public opinion, and that Her Majesty would guard the rights of the people. * Page 65.

I have laid this Petition at the foot of the Throne.

I have, &c.
(Signed) EDWARD CARDWELL.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B.,
&c. &c. &c.

No. 11. No. 11.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 38.)

Sir, Downing Street, June 9, 1866.

I have the honour to acknowledge the receipt of your Despatch, No. 42,* of the 24th of May, enclosing a Petition to the Queen from the inhabitants of the county of Kings, Nova Scotia, on the subject of the Union of the British North American Provinces. * Page 67.

I have to request you to acquaint the petitioners that I have laid their Petition before Her Majesty.

I have, &c.
(Signed) EDWARD CARDWELL.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B.,
&c. &c. &c.

Nova Scotia.

No. 12.

No. 12.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 40.)

Sir, Downing Street, June 21, 1866.

* Page 68. I have the honour to acknowledge the receipt of your Despatch, No. 43,* dated the 6th June, enclosing a Petition addressed to Her Majesty by the inhabitants of the county of Yarmouth. I request you to inform the petitioners that their Memorial has been laid at the foot of the Throne.

I have, &c.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 13.

No. 13.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 41.)

Sir, Downing Street, June 21, 1866.

* Page 69. I have the honour to acknowledge the receipt of your Despatch, No. 44,* of the 6th June, forwarding to me a Petition addressed to Her Majesty by the inhabitants of the county of Digby. I request you to inform the memorialists that their Petition has been duly laid at the foot of the Throne.

I have, &c.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 14.

No. 14.

Copy of a DESPATCH from the Earl of Carnarvon to Lieutenant-General Sir W. F. Williams, Bart., K.C.B.

(No. 2.)

No. 48. 19 June 1866, page 70. No. 49. 19 June 1866, page 71. No. 50. 19 June 1866, page 71. No. 51. 19 June 1866, page 72.

Sir, Downing Street, July 6, 1866.

I have the honour to acknowledge your Despatches of the numbers and dates mentioned in the margin, accompanied by Petitions adverse to the Union of the British Provinces, from the inhabitants of the county of Shelburne, the northern district of Queen's county, the township of Barrington, and the county of Annapolis. You will have the goodness to inform the petitioners that their Petitions have been duly laid at the foot of the Throne.

I have, &c.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) CARNARVON.

No. 15.

No. 15.

Copy of a DESPATCH from the Earl of Carnarvon to Lieutenant-General Sir W. F. Williams, Bart., K.C.B.

(No. 5.)

Sir, Downing Street, July 21, 1866.

* Page 72. I have the honour to acknowledge the receipt of your Despatch, No. 56,* dated the 2nd July, transmitting to my predecessor a Letter and an Address to the Queen from certain of the inhabitants of Liverpool. You will inform the memorialists that their Address has been duly laid at the foot of the Throne.

I have, &c.

Lieut.-Gen. Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) CARNARVON.

No. 16.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 9.)

Sir, Downing Street, August 3, 1866.

I have the honour to acknowledge the receipt of your Despatch No. 61,* of the 16th July, enclosing a petition addressed to Her Majesty by the inhabitants of the county of Lunenburg. * Page 73.

You will be good enough to inform the memorialists that their petition has been duly laid at the foot of the Throne.

I have, &c.

Lieut.Governor Sir W. F. Williams, Bart, K.C.B., &c. &c. &c. (Signed) CARNARVON.

No. 17.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 10.)

Sir, Downing Street, August 4, 1866.

I have received your Despatch of the 19th ult. marked "Separate,"* stating that the gentlemen named in the margin, accompanied by gentlemen from New Brunswick, would proceed to England as Delegates to confer with Her Majesty's Government upon the subject of the Confederation of the British North American Provinces. * Page 74.

The Hon. Dr. Tupper.
" Mr. Henry.
" Mr. Ritchie.
Mr. Archibald.
Mr. McCully.

From New Brunswick.

The Hon. Peter Mitchell.
" S. L. Tilley.
" Charles Fisher.
" R. D. Wilmot.
" E. B. Chandler.
John M. Johnson, Esq.

I have to inform you that the gentlemen in question have arrived, and that on the 30th ult. I had an interview with them on this important subject, and apprized them that the non-arrival of the Canadian Delegates, and the advanced period of the Session, rendered it impossible for Her Majesty's Government to submit to Parliament any measure for the Confederation of the Provinces.

I added, that during the recess I should be prepared to enter fully into communication with the Delegates from Canada, Nova Scotia, and New Brunswick, and to endeavour to arrive with them at such a conclusion as would be satisfactory both to the Colonies and to this country.

I have, &c.

Lieut.-Governor Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) CARNARVON.

No. 18.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieut.-General Sir W. F. Williams, Bart., K.C.B.

(No. 13.)

Sir, Downing Street, August 24, 1866.

I have the honour to acknowledge the receipt of your Despatch No. 63,* of 25th July, enclosing a petition addressed to Her Majesty by certain of the inhabitants of the county of King's. * Page 74.

I have to request you to inform the memorialists that their petition has been duly laid at the foot of the Throne.

I have, &c.

Lieut.-Governor Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) CARNARVON.

Nova Scotia.

No. 19.

No. 19.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieut.-Governor Sir W. F. Williams, Bart., K.C.B.

(No. 17.)

Sir, Downing Street, September 11, 1866.

* Page 75. I have the honour to acknowledge your Despatch No. 68,* of the 16th ult., accompanied by a petition from certain inhabitants of the District of Port Medway, Nova Scotia, to the House of Commons, against the immediate Confederation of the British Provinces in North America.

I have, &c.

Lieut.-Governor Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) CARNARVON.

No. 20.

No. 20.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieut.-Governor Sir W. F. Williams, Bart., K.C.B.

(No. 28.)

Sir, Downing Street, November 22, 1866.

* Page 77. I have the honour to acknowledge the receipt of your Despatch No. 71,* of the 8th of this month, enclosing a letter from the Bishop of Nova Scotia, in which his Lordship requests that the subject of schools, as regulated under the existing local Act, may be brought under the consideration of the Delegates at present in this country.

The question of education is one of the important subjects which must be discussed by the North American Delegates when in conference in this country; but at present I can only promise that the letter of the Bishop of Nova Scotia shall receive full consideration.

I have to request that you will communicate to the Bishop the substance of this Despatch.

I have, &c.

Lieut.-Governor Sir W. F. Williams, Bart., K.C.B., &c. &c. &c. (Signed) CARNARVON.

NEW BRUNSWICK.

Despatches from the Lieutenant-Governor.

No. 1.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 93.) Fredericton, December 5, 1864.

Sir, (Received December 19, 1864.)

Since the return from Quebec of the Delegates appointed to consider the question of a Federal Union of the British North American Provinces, the scheme on which they have agreed has excited somewhat more interest and attention on the part of the public than was previously the case. There is still, however, an indisposition to believe that the change is seriously meditated, and an inclination to regard the plan rather as intended to produce, by its agitation, some immediate effect on the condition of existing political parties than as designed to inaugurate a new constitutional system.

2. I have the honour to enclose for your information extracts from some of the leading newspapers of the Province,* containing articles on the subject of Confederation, and also a report of the meeting at St. John, at which the Provincial Secretary and the Hon. J. H. Gray, who represent that city in the House of Assembly, explained their views to their constituents.

The first of these meetings was, I am informed, a failure; the second, however, proved eminently successful.

I also enclose a copy of a letter addressed to his constituents, by Mr. A. S. Smith, M.P.P., who will probably take the lead in opposition to the proposals of the Government.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

No. 2.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 9.) Fredericton, N.B., January 30, 1865.

(Received February 16, 1865.)

Sir, (Answered No. 54, February 27, 1865, page 116.)

I have the honour to inform you that in consequence of a difference of opinion with his colleagues on the subject of the proposed Confederation of the British North American Provinces, the Chief Commissioner of the Board of Works, G. L. Hatheway, Esq., has resigned his office and his seat at the Executive Council Board, and that I have accepted his resignation. I have the honour to enclose copies of the correspondence which has taken place on this subject.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) ARTHUR H. GORDON.
&c. &c. &c.

Enclosure in No. 2.

Correspondence between Lieutenant-Governor of New Brunswick and Mr. Hatheway, concerning the Resignation by the latter of his Seat at the Executive Council.

The Honourable G. L. Hatheway to the Lieutenant-Governor.

May it please your Excellency, Fredericton, January 4, 1865.

The delegates appointed by the Government of this Province to confer with the Government of Canada on the subject of the Union of the North American Provinces, have agreed to certain resolutions for the purpose of carrying out that object, and these resolutions, as it appears by a Despatch

* The Enclosures, being of considerable length, are not printed.

NEW BRUNSWICK.

from the Right Hon. the Secretary of State for the Colonies, published in the last Royal Gazette, having been submitted to and received the general approval of Her Majesty's Government, and it being the intention of the Government of this Province to submit the matter to the Legislature at its next session, I consider it my duty without further delay to state to your Excellency my position in reference to this important question.

A large majority of the Executive Council has adopted the resolutions of the Conference, and a leading member of the Council, together with others of the delegates, have used extraordinary efforts to convince the people in various parts of the Province of the great benefits that will result from such a Union.

With every respect for the opinion of my colleagues in the Council, and after having given this important question the most careful and anxious consideration, I am unable to agree with the views of a majority of them.

I consider it unnecessary here to state the grounds upon which I dissent, as they are well known to my colleagues ; it is sufficient that on the most important question that ever came before the Executive Council, and one which involves an entire change in the constitution of the country, I differ altogether from a majority of the Council. Under these circumstances I feel that my continuance in the Government would be not only embarrassing to my colleagues and myself, but unconstitutional and improper.

I therefore now beg respectfully to tender to your Excellency my resignation of the office of Chief Commissioner of Public Works, as well as my seat in the Executive Council.

I respectfully ask your Excellency's permission to be allowed to make public the reasons for my resignation.

I have, &c.
(Signed) GEORGE L. HATHEWAY.

His Excellency the Hon. A. H. Gordon, Lieut.-Governor,
&c. &c. &c.

The Honourable G. L. HATHEWAY to the LIEUTENANT-GOVERNOR.

SIR, Fredericton, January 5, 1865.

As your Excellency has, in conversation with me, made objections to the terms in which I have tendered my resignation of the office of Chief Commissioner of Public Works and my seat in the Executive Council, because I have stated that it is the intention of the Government to submit the matter of the Confederation of the Provinces to the Legislature at its next session, I have respectfully to ask your Excellency whether from such conversation I am to understand that the matter will not be so submitted.

I have, &c.
(Signed) GEORGE L. HATHEWAY.

To his Excellency the Hon. A. H. Gordon,
&c. &c. &c.

The LIEUTENANT-GOVERNOR to the Hon. G. L. HATHEWAY.

MY DEAR SIR, Government House, Fredericton, January 5, 1865.

I HAVE received your letter of this day's date with reference to a conversation which took place between us yesterday, in consequence of some surprise having been expressed by me at your statement, that it was the intention of the Government to submit the question of a Confederation of the British North American Provinces to the existing Legislature at its next session.

As the Provincial Secretary, with the concurrence of his colleagues, had sought and obtained my permission to state publicly that the judgment of the Legislature would not be sought until the election of a new Parliament, I thought you must be in some degree mistaken on this point. I have communicated the contents of your letter to the Executive Council, and am authorized to assure you not only that there is not, but that there never has been any intention of submitting the question for the decision of the Legislature until after the dissolution of the existing Parliament.

Until, therefore, I learn your wishes with respect to the tender of resignation contained in it, I defer any reply to your previous communication, which appears to have been written under some misapprehension on this important point.

I am, &c.
(Signed) ARTHUR H. GORDON.

To Hon. G. L. Hatheway, &c., &c.

The Honourable G. L. HATHEWAY to the LIEUTENANT-GOVERNOR.

MY DEAR SIR, Friday, January 6, 1865.

YOUR Excellency's note of yesterday's date did not reach me till 3 p.m. this day.

Your Excellency states that it is not the intention of the Government to submit the question for the decision of the Legislature until after the dissolution of the existing Parliament, but I think I may fairly infer from your Excellency's language that it is the intention of the Government to refer to it in the speech, and to submit the resolution to the House, and I have the statement of my colleagues in the Government that such is their intention.

Whether, therefore, the question is submitted for the decision of the Legislature or not, it appears to me that I, as a member of the Government, would be bound to support it in the event of any question being raised upon upon it in the House, and from the course which has been pursued by some leading members of the opposition since the resolutions were made public, I cannot doubt that every possible effort will be made to attack the Government on that question.

In what position then would I be placed, entertaining the opinion I do on the question, if I should remain in the Government.

Would I not be constitutionally bound to support my colleagues? and I ask your Excellency if it is right that I should continue a member of the Government while I am in direct opposition to my colleagues on any important question?

I have, &c.
(Signed) GEORGE L. HATHEWAY.

His Excellency the Hon. A. H. Gordon,
&c. &c. &c.

The LIEUTENANT-GOVERNOR to the Honourable G. L. HATHEWAY.

MY DEAR SIR, Government House, Friday Night, January 6, 1865.

I THOUGHT it right to point out to you that a statement contained in your formal letter of the 4th inst. was susceptible of an interpretation not strictly accurate, and I requested to be informed whether you were consequently disposed to withdraw or delay the resignation which that letter contained. It is right that I should see that no misapprehension exists in the minds of any gentleman making such a tender, and I repeat that no change has taken place in the attitude of the Government, which is now the same which it has occupied ever since the 16th November, when it was determined to adopt the report of the Conference, but not to recommend its sanction by the Legislature until after the dissolution of the existing Parliament.

But you alone must be the judge of the course which in these circumstances it may be your duty to follow, and it would be in the highest degree unbecoming were I to express an opinion on that subject.

In the absence of any desire on your part to withdraw your letter, I will return an official answer to-morrow.

Yours sincerely,
(Signed) ARTHUR H. GORDON.

To the Honourable George L. Hatheway.

The Honourable G. L. HATHEWAY to the LIEUTENANT-GOVERNOR.

MAY IT PLEASE YOUR EXCELLENCY, Fredericton, Jan. 7, 1865.

I BEG to acknowledge the receipt of your Excellency's note of yesterday.

I am unable to agree with your Excellency that no change has taken place in the attitude of the Government since the 16th November, nor can I allow myself to be placed in a false position with reference to the adoption of the report of the Conference.

Your Excellency will recollect that at a meeting of Council held at Government House on the evening of the 15th Nov., I was not the only member of the Council who objected to the adoption of the report, and that in consequence of such objection no decision was arrived at.

The Council met again on the 16th Nov. at the Council Chamber, your Excellency not being present, when I again repeated my objections to the scheme, but a majority having agreed to adopt the report, I withdrew from the Council Board, stating that in consequence of their action I had no right to be there, and I therefore do not hold myself responsible for the decision.

Had a minute of Council been made of such decision, I can assure your Excellency I would have at once entered my written protest against it.

I have, &c.
(Signed) GEORGE L. HATHEWAY.

His Excellency the Hon. A. H. Gordon.

The Honourable G. L. HATHEWAY to the LIEUTENANT-GOVERNOR.

MY DEAR SIR, Fredericton, Jan. 10, 1865.

HAVING received a summons to attend a meeting of Council on the 19th inst., I should be obliged if your Excellency would allow my resignation to stand over until that day.

I have, &c.
(Signed) GEORGE L. HATHEWAY.

His Excellency the Lieutenant-Governor,
&c. &c. &c.

The LIEUTENANT-GOVERNOR to G. L. HATHEWAY, ESQ.

DEAR SIR, Government House, Jan. 21, 1865.

As I understand from a conversation with you to-day that you desire to adhere to your letter of the 4th inst., I can only express my regret at your resignation, and transmit to you the accompanying formal acceptance of it. I have no objection to your making public the correspondence which has taken place between us.

Yours very truly,
(Signed) ARTHUR H. GORDON.

The Lieutenant-Governor accepts the Hon. G. L. Hatheway's resignation of the office of Chief Commissioner of the Board of Works, and of his seat in the Executive Council.

(Signed) ARTHUR H. GORDON.

Government House, Jan. 21, 1865.

NEW BRUNSWICK.

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 12.)

Fredericton, January 30, 1865.
(Received, February 16, 1865.)
(Answered, No. 53, February 27, 1865, page 116.)

SIR,

I HAVE the honour to forward to you a copy of the report of the Conference appointed to consider the question of the Legislative Union of the three Maritime Provinces.

2. The greater scheme for the Federation of the whole of British North America rendered the further consideration of this plan unnecessary.

3. There was a great unanimity of opinion among the Delegates as to the facility with which the Legislative Union in question might have been adopted, and I cannot but regret that it did not form a part of, or a preliminary to, the more extended scheme.

I have, &c.
(Signed) ARTHUR H. GORDON.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. in No. 3.

Enclosure in No. 3.

REPORT of Proceedings of a Conference held to consider the question of a Legislative Union of Nova Scotia, New Brunswick, and Prince Edward Island.—This Report will be found printed at page 55.

No. 4.

No. 4.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 23.)

Fredericton, N.B., February 27, 1865.
(Received March 14, 1865.)
(Answered No. 60, March 18, 1865, page 116.)

SIR,

A DISCUSSION has lately taken place in this Province with respect to one of the conditions of the Federal Union of British North America, which has excited much interest, and with respect to which it appears to me desirable that I should be placed in possession of the views of Her Majesty's Government.

2. The resolutions agreed to at Quebec, and which are to form the basis of the proposed Federal Union of the British American Provinces, have reference to a great variety of subjects of very different degrees of importance. With some of these matters the local Legislatures are already fully competent to deal, whilst others are of a character which removes them beyond their cognizance.

3. It was my belief that the aid of the Imperial Parliament would be sought only to give effect to those general provisions of a constitutional nature which could not be brought into operation by the existing local Assemblies; that it would be called upon to enact the Federative Union, and to define the limits of the authority of the central and local Governments and Legislatures, but that the arrangement of matters of purely or mainly local interest would be left to the Federal Legislature, or to those of the separate Provinces, as it may fairly be presumed that these bodies would faithfully carry into execution the conditions upon which their Union had itself been based.

4. I find, however, that a very general impression prevails that the construction of the Intercolonial Railroad from Rivière du Loup to Truro is to be provided for by a clause in the Imperial Act giving effect to the proposed Federal Union.

5. I do not myself consider it probable that Her Majesty's Government will make such a proposal to the Imperial Parliament, for I cannot but conceive that such a proposal would appear to Her Majesty's Government to be either unnecessary or unjust,—unnecessary if (as we must conclude will be the case should no unforeseen or insuperable obstacles arise) the new Federal Legislature votes the construction of a work, the immediate commencement of which forms one of the conditions of the agreement to which it owes its existence,—unjust if it were to have the effect of forcing on the people of British America the execution of a work which their representatives in Parliament may consider it inexpedient to undertake.

6. Nor does it appear to me very likely that the British Parliament would enact a law involving a very large expenditure of money not collected under its own authority, a law,

moreover, which it would be impossible to enforce, as no penalty could be inflicted after the passage of the Act, in the event of the subsequent neglect of its provisions by the Federal Government and Legislature.

7. Neither do I imagine that, the question being one which primarily concerns the people of British North America, the British Parliament would consent to fetter the discretion of their representatives in dealing with it as they may consider most conducive to the advantage of the United Provinces, more especially when it is remembered that the subject is one with which their local Legislatures are already, even under the existing state of things, fully competent to consider.

8. Still less do I think it probable, even were a clause of a general character enacting the completion of this great work to be incorporated in an Act of the Imperial Parliament, that Her Majesty's Government would consent to introduce, or that Parliament would consent to sanction all those details which would be required to render such a clause effective ; for unless the route, the mode of construction, the minimum sum to be annually devoted to the work, and the time at which it is to be completed, are all prescribed, the scheme may be subject to ultimate defeat by its rejection on one of these points by the Federal Parliament; whilst the assumption of those, who believe that a clause concerning the railway will form part of the Imperial Act, is that the completion of the work will be so secured as to remove all liability of its being affected by any subsequent action on the part of the Federal or Local Governments and Assemblies.

9. I confess, therefore, that I am unable altogether to share the confident belief of my Council that this work (of the importance of which I need not say I am very fully sensible) will be undertaken under the direct authority of the Imperial Parliament.

10. At the same time, it is possible that I may be mistaken as to the views and intentions of Her Majesty's Government, and I therefore respectfully request to be instructed as to the course which I am to pursue, in the event of my being advised to state in my speech from the throne, on the opening of the Provincial Legislature, that such a provision will undoubtedly form part of the Act of Union, or be embodied by the Imperial Parliament in a separate Act.

11. Such a declaration, if it were afterwards proved by facts to be erroneous, would, I need not say, excite very general and not ill-founded irritation.

12. Mr. J. A. Macdonald, a leading member of the Canadian Government, is reported to have lately used what appears to me very sensible language in connexion with this subject, to the effect that the construction of the railway was certainly not part of the Constitution (a proposition which is self-evident), and that, consequently, with many other details agreed to by the Conference, it would not be embodied in the Imperial Act, but that it was one of the conditions on which the Union was based, and must therefore be carried into effect at the earliest possible period by the Legislature of the Federated Provinces. I am, however, informed that Mr. Macdonald has subsequently stated that the provisions for the construction of the railway will form part of the Imperial Act.

13. As the Legislature of this Province will meet probably in the first week of April, it is highly important that I should be enabled by that time to reply distinctly to the queries which may be put to me by my advisers and by the Legislature, whether in the event of the Federation of the British North American Provinces being accomplished, Her Majesty's Government will be prepared to submit to the Imperial Parliament, either as a clause of the Constitutional Act, or as a separate Bill, provisions to secure the completion of the Intercolonial Railway from Rivière du Loup to Truro, within a definite time, and framed in such a manner as to preclude the possibility of any subsequent action in a contrary sense on the part of the Federal Government or Legislature.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR H. GORDON.

No. 5.

No. 5.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 24.)

Fredericton, N. B., March 6, 1865.

(Received March 24, 1865.)

SIR,

(Answered No. 65, April 1, 1865, page 117.)

As it is possible that this Despatch may reach you viâ Portland sooner than would be the case were it sent by the next ordinary Halifax mail, I think it right to avail myself of the opportunity to inform you that the proposed Confederation of the British North American Provinces has met with a most decided rejection in New Brunswick.

NEW BRUNSWICK.

2. All those elections in which the question of Confederation was likely to outweigh considerations of a purely personal and local character have now taken place, and in each instance have resulted in the defeat of every one of the candidates favourable to Confederation.

3. Mr. Tilley, the leader of the Government, the Solicitor-General, the Postmaster-General, Mr. Fisher, and Mr. Gray, Delegates to Quebec, have all lost their seats.

4. The Government is practically overthrown, and the scheme of Union virtually defeated.

5. I was aware that the public sentiment of the Province was opposed to Confederation, but I was by no means prepared for such a result as that which I have now the honour to report to you.

6. The causes which have led to this decided expression of opinion I will explain at length when writing by the next Halifax mail.

7. The members of the House of Assembly elected up to this time may be classed as follows:—

For Confederation.	Against it.	Doubtful.
3.	16.	3.

8. There are still 19 members to be returned, but, with the exception of the counties of Charlotte and Northumberland, all the important elections are now over.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

No. 6.

No. 6.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 25.) Fredericton, N. B., March 13, 1865.
(Received March 28, 1865.)

SIR, (Answered No. 65, April 1, 1865, page 117.)

* Page 89.

IN my Despatch, No. 24, of the 6th instant,* forwarded by way of Portland, I had the honour of informing you that the result of the elections in this Province had been signally unfavourable to the proposed scheme of Confederation, and that several prominent members of my Government had failed to retain their seats in the House of Assembly.

2. I was aware that a feeling hostile to the contemplated changes was widely spread, but I must have greatly underrated its extent and strength.

3. I do not however believe that the popular prejudice in favour of continued isolation and against any alteration whatever in the existing constitution would have sufficied alone to defeat the scheme had it not also encountered the opposition of those who, whilst desirous of effecting a more substantive Union between the British North American Colonies, were hostile to the provisions of the particular scheme submitted for their consideration.

4. The rejection of the scheme in Prince Edward Island, the postponement of its consideration in Newfoundland, and the belief that its adoption would be successfully resisted in Nova Scotia, also contributed powerfully to its defeat in this Province.

5. Nor do I think the fact that my existing Government had with a short interval held office for more than ten years, occupies a by any means unimportant place in the list of the causes which have led to its overthrow.

6. The popular decision, however brought about is, at all events, unmistakeable, and for the moment decisive. It was not anticipated by me, and I believe it was as little anticipated either by my advisers or by their opponents.

7. No important elections have taken place since I last had the honour of addressing you, and the numbers at present stand as follows:—

For Confederation.	Against it.	Doubtful.
5.	19.	2.

8. I anticipate that the resignation of my present Executive Council will be tendered to me as soon as the elections are closed. The last (that for Queen's County) is fixed for the 22nd instant.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) ARTHUR H. GORDON.
&c. &c. &c.

No. 7.

No. 7.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 29.)

Fredericton, N. B., March 27, 1865.
(Received April 11, 1865.)
(Answered, No. 67, April 13, 1865, page 117.)

Sir,

I have the honour to enclose a copy of the report submitted to me by the delegates appointed to attend the Conference held at Quebec in October last. Though dated November 11th it was only delivered to me last Saturday.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR H. GORDON.

Enclosure in No. 7.

Encl. in No. 7.

To his Excellency the Hon. Arthur Hamilton Gordon, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

May it please your Excellency,

The undersigned, having been appointed by your Excellency, at the request of the Governor-General, to confer with the Government of Canada, and with delegates appointed by the Governments of Nova Scotia, Newfoundland, and Prince Edward Island, upon the subject of a Federal Union of the British North American Provinces, have the honor to submit their report.

The Conference met at Quebec on the 10th of October, and was composed of 33 members:—

For Canada.

The Hon. Sir E. P. Taché, M.L.C., Receiver-General and Minister of Militia.
The Hon. John A. Mac Donald, M.P.P., Attorney-General (Upper Canada).
The Hon. G. E. Cartier, M.P.P., Attorney-General (Lower Canada).
The Hon. George Brown, M.P.P., President of Executive Council.
The Hon. O. Mowatt, M.P.P., Postmaster-General.
The Hon. A. T. Galt, M.P.P., Minister of Finance.
The Hon. T. D. Mc Gee, M.P.P., Minister of Agriculture.
The Hon. William Mc Dougall, M.P.P., Provincial Secretary.
The Hon. Alexander Campbell, M.L.C., Commissioner of Crown Lands.
The Hon. T. C. Chappais, M.P.P., Commissioner of Public Works.
The Hon. J. H. Langevin, Solicitor-General (Lower Canada).
The Hon. James Cockburn, M.P.P., Solicitor-General (Upper Canada).

For Nova Scotia.

The Hon. Charles Tupper, M.P.P., Provincial Secretary.
The Hon. W. A. Henry, M.P.P., Attorney-General.
The Hon. J. McCully, M.L.C.
The Hon. Robert B. Dickey, M.L.C.
Adam H. Archibald, Esq., M.P.P.

For New Brunswick.

The Hon. S. L. Tilley, Provincial and Financial Secretary.
The Hon. W. H. Steeves, M.L.C., M.E.C.
The Hon. J. M. Johnson, M.P.P., Attorney-General.
The Hon. P. Mitchell, M.L.C., M.E.C.
The Hon. E. B. Chandler, M.L.C.
Lieutenant-Colonel the Hon. John H. Gray, M.P.P.
The Hon. Charles Fisher, M.P.P.

For Newfoundland.

F. B. T. Carter, Esq., M.P.P.
John Ambrose Shea, Esq., M.P.P.

For Prince Edward Island.

Colonel the Hon. J. H. Gray, M.P.P.
The Hon. E. Palmer, Attorney-General.
The Hon. W. H. Pope, Colonial Secretary.
The Hon. A. A. McDonald, M.L.C.
The Hon. G. Coles, M.P.P.
The Hon. J. H. Haviland, M.P.P.
The Hon. E. Wehlan, M.P.P.

And was organized by the appointment of the Hon. Sir E. P. Taché, Chairman, and the Hon. Messrs. William McDougall, Charles Tupper, S. L. Tilley, Ambrose Shea, and W. H. Pope, joint secretaries.

After the most earnest and careful consideration of the whole question, the Conference agreed to a series of resolutions, a copy of which we now submit for your Excellency's information.*

(Signed) S. L. Tilley. E. B. Chandler.
W. H. Steeves. J. H. Gray.
P. Mitchell. Charles Fisher.
J. G. Johnson.

November 15, 1864.

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* Not received.

New Brunswick.

No. 8.

No. 8.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 30.) Fredericton, N. B., March 27, 1865.
(Received April 11, 1865.)

Sir, (Answered No. 66, April 12 1865, page 117.)

The elections for the Legislative Assembly have now terminated, and I believe the following classification of the members will be found accurate:—

For Confederation.	Against it.	Doubtful.
9.	28.	4.

2. In addition to the defeats of other members of the Government, as previously reported by me, the Attorney-General has, since the date of my last Despatch, lost his seat for the county of Northumberland.

The members of my Executive Council will in consequence probably resign their offices to-day, or at all events in the course of the present week.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

P.S.—Since writing the above Despatch the members of my Executive Council have tendered their resignation.—A. G.

No. 9.

No. 9.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 39.) Fredericton, April 27, 1865.
(Received May 22, 1865.)

Sir, (Answered No. 76, May 27, 1865, page 118.)

I have the honour to transmit to you a copy of the speech with which I this day opened the session of the Provincial Legislature.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR GORDON.
&c. &c. &c.

Encl. in No. 9.

Enclosure in No. 9.

(Extract.)

"In compliance with the desire expressed by addresses from both branches of the Legislature at the last session, I appointed delegates to meet others appointed by the Lieutenant-Governors of Nova Scotia and Prince Edward Island, for the purpose of considering the practicability of effecting a Legislative and Administrative Union of the maritime Provinces of British North America. The report of these delegates will immediately be laid before you.

"At the request of the Governor-General of Canada, and with the approbation of the Queen, I also appointed delegates to a Conference of representatives of the British North American Colonies, held in Quebec in the month of October last, with a view of arranging the terms of a Federal Union of British North America. The resolutions agreed to by this Conference appeared to me to be so important in their character, and their adoption fraught with consequences so materially affecting the future condition and well-being of British America, that, in order to enable the people of New Brunswick to give expression to their wishes on the subject, I determined to dissolve the then existing House of Assembly. I now submit these resolutions to your judgment."

No. 10.

No. 10.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 41.) Fredericton, May 8, 1865.
(Received May 22, 1865.)

Sir, (Answered No. 78, May 27, 1865, page 118.)

I have the honour to forward for your information copies of the Addresses which have been lately presented to me by the Legislative Council and the House of Assembly respectively.

2. I thought that the concluding words of the Address of the House of Assembly afforded me an opportunity of turning to practical account what was probably intended

as an unmeaning phrase, and I accordingly, in a few words, thanked the House for the confirmation they had given to my own conviction that they were not insensible to the obligations entailed by the connexion with the British Empire, and expressed my belief that their acts would afford abundant proof of their desire to discharge the obligations referred to.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR GORDON.

(Extract.)

Enclosure 1 in No. 10.

Encl. 1 in No. 10.

To his Excellency the Hon. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HER MAJESTY'S LEGISLATIVE COUNCIL IN GENERAL ASSEMBLY.

MAY IT PLEASE YOUR EXCELLENCY,

* * * * *

We also thank your Excellency that the resolutions adopted at the Conference held at Quebec in October last, relative to a Union of the British North American Colonies, will likewise be submitted.

The question of affording further facilities for the construction of railways in ther Povince will receive our consideration. It is satisfactory to learn that though existing laws preclude immediate action in proceeding with the extension of the European and North American railway from the frontier of Nova Scotia to the United States, that work will be proceeded with as soon as practicable.

* * * * *

(Extract.)

Enclosure 2 in No. 10.

Encl. 2 in No. 10.

To his Excellency the HON. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY.

MAY IT PLEASE YOUR EXCELLENCY,

* * * * *

We thank your Excellency for the assurance that the report of the delegates appointed for the purpose of considering the practicability of effecting a Legislative and Administrative Union of the Maritime Provinces of British North America will be laid before us. We also thank your Excellency for the information that the Resolutions adopted at a Conference of representatives of the British North American Colonies, held in Quebec in October last, relative to a Union of British North America, will be laid before us.

We will consider whether further facilities can be afforded for the extension of railways in this Province. We are pleased to learn that the completion and extension of the European and North American Railway, from the frontier of Nova Scotia to the boundary of the United States, will be undertaken as soon as practicable; and we regret that existing laws preclude immediate action for the accomplishment of this work.

* * * * *

We agree with your Excellency that notwithstanding the present depression of trade, the condition of the Province is, on the whole, satisfactory, and that a feeling of contentment and confidence in the institutions under which we live prevails; and we assure your Excellency, that whatever differences of opinion may exist on other subjects, the feeling of loyalty to the Crown, for which the people of this Province have always been distinguished, animates them still.

We are fully sensible of the advantages we derive from our connexion with Great Britain, and will cheerfully meet the obligations it entails upon us.

CHARLES P. WITMORE, Clerk.

No. 11.

No. 11.

Copy of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 45.) Government House, Fredericton, N. B., May 22, 1865.

(Received June 5, 1865.)

SIR,

IN accordance with their request, I have the honour to transmit to you the enclosed Memorandum of my Executive Council with reference to the scheme for the Confederation of the British North American Provinces.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR H. GORDON.

NEW BRUNSWICK.

Encl. in No. 11.

Enclosure in No. 11.

To his Excellency the Hon. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

OUR attention has been recently attracted by a statement in the London "Times" newspaper, to the effect that the Confederation scheme of the British North American Provinces is progressing favourably. We entertain no doubt that your Excellency's reports to the Colonial Office have placed Mr. Cardwell in possession of the real state of the public mind on that subject; but as we are anxious that no doubt should exist in the minds of the English Government as to the present state of this question, we would request your Excellency at once to inform the Secretary of State for the Colonies how entirely the scheme has been rejected by the people of this Province; and that we have strong reasons to believe, and do believe, that, with the exception of a party in Halifax, the Legislature and people of Nova Scotia are, if possible, more opposed to the project than those of this Province.

The House of Assembly in Prince Edward Island, your Excellency is aware, has rejected it almost unanimously; and the House of Assembly of Newfoundland resolved to postpone the consideration of it until after their next election; and we venture the opinion that Canada is the only Province in British North America favourable to the scheme.

Respectfully submitted.

(Signed) A. J. SMITH.
ROBT. D. WILMOT.
GEORGE L. HATHEWAY.
T. W. ANGLIN.
RICHARD HUTCHISON.
A. H. GILLMOR, Sen.
JOHN C. ALLEN.
W. H. ODELL.
BLISS BOTSFORD.

No. 12.

No. 12.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 47.) Fredericton, June 5, 1865.
(Received June 17, 1865.)
(Answered No. 83, June 24, 1865, page 119.)

No. 1. SIR,

No. 2. I HAVE the honour to transmit to you the copy of an Address which I have received from the House of Assembly of this Province, together with my reply.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR H. GORDON.

Encl. 1 in No. 12.

Enclosure 1 in No. 12.

House of Assembly, Thursday, May 25, 1865.

WHEREAS the Lieutenant-Governor of this Province has received from the Lieutenant-Governor of Nova Scotia, copies of resolutions passed by the Legislative Council and House of Assembly of that Province, expressing a wish to renew the negotiation for a union of the Maritime Provinces, and whereas it is desirable to ascertain whether a legislative or commercial union of these Provinces on terms advantageous to all is practicable.

Therefore resolved, That an humble address be presented to his Excellency the Lieutenant-Governor, requesting him to appoint delegates, not to exceed five, to confer with a delegation to be appointed by the Governments of Nova-Scotia and Prince Edward Island on the subject of such union.

CHAS. P. WITMORE, Clerk.

Encl. 2 in No. 12.

Enclosure 2 in No. 12.

REPLY of his Excellency the LIEUTENANT-GOVERNOR to ADDRESS of the HOUSE of ASSEMBLY of May 25, 1865.

GENTLEMEN,

I AM fully sensible of the great importance of the subject to which the address now presented to me relates, and will not fail to appoint delegates to conduct its discussion on the part of this Province, as therein requested.

No. 13.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 48.) Fredericton, June 5, 1865.
(Received June 17, 1865.)
(Answered No. 82, June 24, 1865, page 119.)

Sir,

The Resolutions of which I have the honour to enclose a copy have been moved in the House of Assembly by Mr. J. Cudlip, one of the members for the City of St. John. They have not yet been adopted by the House, but there is no doubt that they will be carried by a large majority.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

Enclosure in No. 13.

Encl. in No. 13.

Resolution submitted when in Committee on his Excellency's Message of 4th May, containing Resolutions adopted at Conference holden at Quebec on 10th October 1864.

On motion of Mr. Cudlip.

Whereas the House in Committee of the whole, have had under consideration the Resolutions of the Conference, held at Quebec on the 10th of October last on the subject of the proposed confederation of the British North American Colonies:

And whereas it is the opinion of this Committee that the consummation of said scheme would prove politically, commercially, and financially disastrous to the best interests and prosperity of this Province:

And whereas the loyalty and attachment of the people of this Province to the throne and Government of Great Britain cannot justly be impugned, and they have always manifested a desire to maintain their connexion with the mother country, and to remain a portion of the British Empire:

And whereas in the exercise of the right of internal self-government enjoyed by this Province its people are entitled to deliberate and decide upon all questions affecting their own local interests in such manner as to them may seem best calculated to promote their prosperity and welfare:

And whereas the General Assembly of this Province was in the month of February last dissolved by his Excellency the Lieutenant-Governor, avowedly to obtain the decision of the people upon the resolutions adopted at the Conference, and now before the House:

And whereas at the elections consequently holden the people of this Province clearly and unequivocally pronounced a judgment adverse to the adoption of the said resolutions:

And whereas the Committee confidently believes that Her Majesty's Government will receive with due attention the expression of the opinion of this Province so pronounced:

And whereas this Committee has reason to fear that Her Majesty's Government are but imperfectly aware of the true state of the feelings of the people of this Province on the subject:

Therefore resolved as the opinion of this Committee that a delegation should at once proceed to England for the purpose of making known to the Imperial Government the views and feelings of the House and the people of this Province on this important subject.

Geo. F. Bliss, Clerk's Assistant.

No. 14.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 54.) Fredericton, July 3, 1865.
(Received, July 17, 1865.)

Sir,

I think it right to transmit to you copies of a correspondence which has lately taken place between the Governor-General of Canada and myself on a subject of no great real importance, but which it is perhaps right to place before you.

2. It appears that the text of the resolutions of the Quebec Conference, as transmitted by the Governor-General of Canada to England, and to the Maritime Provinces, and as printed to be laid before both Houses of Parliament in England, and the Legislative bodies in New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, differs from that of the same resolutions as laid before the Canadian Parliament in several particulars; the most important of which is the substitution in the Canadian copy of the central Parliament as the body which is to define the electoral districts, which power is assigned in the copies laid before the Imperial Parliament and the Legislatures of the Maritime Provinces to the local Legislatures.

3. The change appears to me a very decided improvement, but it may be questionable how far an alteration, even for the better, should have been made in the

New Brunswick.

instrument actually signed at Quebec, without full previous communication with the whole of the delegates.

4. I consider the change an improvement, for I look on everything tending to raise the power of the central Legislature and diminish that of the local Assemblies as a beneficial alteration of the original scheme, but there are many who would not think so; and Mr. Pope, the Colonial Secretary of Prince Edward Island, himself a Delegate, and one of the few warm friends of Federation to be found in the Island from which he comes, informed me that had his consent been asked to such an alteration, it would have been decidedly refused.

5. When my notice had been drawn to the discrepancy, I could not refuse to comply with the desire of my Government to call the attention of the Governor-General to the fact, and I enclose copies of the correspondence which has since passed on the subject.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

Encl. in No. 14.

Enclosure in No. 14.

The Lieutenant-Governor to the Governor-General of Canada.

My Lord, Fredericton, April 4, 1865.

Upon the 12th November last your Lordship did me the honour to address to me a Despatch enclosing a copy of the resolutions agreed to by the delegates appointed to consider the question of a federation of the British North American Provinces. To the copy so transmitted the following certificate was attached:—

"I certify that the above is a true copy of the original report of resolutions adopted in Conference.
"E. P. Taché, Chairman."

In this copy the 24th resolution stands as follows:—

"24. The local Legislature of each Province may from time to time alter the electoral districts for the purpose of representation in the House of Commons, and distribute the representatives to which the Province is entitled in any manner such Legislature may think fit."

In the copy of the resolutions presented to me on their return by the delegates from this Province the same words are found.

In the papers laid before both Houses of the Imperial Parliament, by command of Her Majesty, on the subject of the proposed Federal Union, a Despatch addressed by your Lordship to the Secretary of State for the Colonies, on the 7th November, will be found (at page 4) transmitting to Mr. Cardwell a copy of the resolutions, in which also the 24th resolution is couched in the same words, and the accuracy of which copy is also certified by Sir E. P. Taché.

My attention has, however, been called to the fact that, in the papers laid before the Canadian Parliament, and transmitted to me by your Lordship on the 30th January last, although the same Despatch from your Lordship to the Secretary of State is printed at page 3, the enclosure reads somewhat differently; the 24th resolution standing as follows:—

"24. The local Legislature of each Province may from time to time alter the electoral districts for the purpose of representation in such local Legislature, and distribute the representatives to which the Province is entitled in such local Legislature in any manner such Legislature may see fit."

This alteration is not altogether unimportant. In the one copy the resolution refers to the House of Commons of the Federal Legislature, in the other to the local Legislature alone.

I am requested by my advisers to ask your Lordship to have the goodness to explain the cause of this discrepancy, and to inform me, after directing a reference to the original document (which is, I presume, preserved at Quebec), which version was in fact that signed by the delegates. From the circumstance that in the papers laid before the English Parliament the same words occur as in the copy forwarded to me by your Lordship on the 12th November, it would appear that the copy certified by Sir E. P. Taché is correct, and that the inaccuracy has arisen in copying the documents to be laid before the Canadian Parliament.

I am further requested to state that the delegates from this Province have never authorized any alterations in the resolutions as signed by them, and that, indeed, their assent to any such alteration has never yet been sought.

I have, &c.
(Signed) Arthur H. Gordon.

The Governor-General of Canada to the Lieutenant-Governor.

Sir, Quebec, May 4, 1865.

I have the honour to acknowledge the receipt of your Despatch, asking for an explanation of the cause of the discrepancy between the version of the Quebec resolutions transmitted to you by me on the 12th of November last and the copy of the resolutions which I sent to you on the 30th January 1865. I regret the delay that has taken place in reply to your communication. It has been caused by the absence from Quebec of most of the members of the Government. I now beg to enclose for your information a copy of the report which has been made to me on the subject of your Despatch by Mr. M'Dougall, the Provincial Secretary.

I have, &c.

Lieut.-Governor the Hon. A. H. Gordon, (Signed) Monck.
&c. &c. &c.

Enclosure.

Secretary's Office, Quebec, May 4, 1865.

The undersigned has had the honour to receive a letter from your Excellency's Secretary, covering a copy of a Despatch from the Lieutenant-Governor of New Brunswick, asking for certain information in reference to the proceedings of the Quebec Conference, and he now begs to submit for your Excellency's information the following report.

The 24th resolution of the Quebec Conference, as it stands in the original report, signed by certain members of the Conference (and which report is now in the possession of the undersigned), is in the words and figures following:—

"The local Legislature of each Province may from time to time alter the electoral districts for the purpose of representation in the House of Commons, and distribute the representatives to which the Province is entitled in any manner such Legislature may think fit."

In the papers submitted to the Canadian Parliament the 24th resolution was made to read as follows:—

"The local Legislature of each Province may from time to time alter the electoral districts for the purposes of representation in such local Legislature, and distribute the representatives to which the province is entitled in such local Legislature in any manner such Legislature may see fit."

The above change was made because it was found that the resolution, as expressed in the original report, did not convey the true meaning of the Conference. As your Excellency is aware, the proceedings of the Conference towards the close of its deliberations were very much hurried, and it was subsequently discovered that several errors had occurred in revising and re-arranging its numerous resolutions, which were adopted in the first instance without that exactness of expression and logical sequence so necessary in an instrument intended to present a complete scheme. Some of these errors were discovered and corrected at Montreal by the unanimous consent of the delegates present at a meeting held in that city for the purpose. There was no doubt in the minds of the Canadian delegates (when their attention was called to the point), that the gentlemen who undertook the duty of reducing into form the minutes and resolutions of the Conference had misapprehended the meaning of the Conference in reference to the subject embraced in the 24th resolution. It could never have been intended to destroy the independence of every member of the General Parliament by giving power to the local Legislature to "alter," and thus practically to abolish his constituency, whenever, by speech or vote, he might happen to displease a majority of that Legislature. The power to divide each Province into the proper number of electoral districts in the first instance (as provided by the 23rd resolution), was given to the local Legislatures *ex necessitate*, but the power to alter or readjust the constituencies after Parliament is constituted belongs naturally, logically, and according to every constitutional precedent, to that Parliament, and not to an inferior body. The undersigned is informed that on discovering the error in the 24th resolution, and also important errors in the 29th and 43rd resolutions, in reference to export duties on timber and coals, communication was had with the leading members of the Governments of the Maritime Provinces.

The undersigned is also informed that answers were received from those gentlemen, expressing their concurrence in the suggestions of the Canadian delegates as to the fact of error in both cases, and as to the mode in which it was proposed to correct them.

The undersigned regrets that he is unable to give to your Excellency fuller and more precise information in consequence of the absence from this country of those members of the Government who conducted the correspondence referred to.

Respectfully submitted.

(Signed) WM. M'DOUGALL, Secretary.

The LIEUTENANT-GOVERNOR to the GOVERNOR-GENERAL.

MY LORD, Fredericton, June 6, 1865.

AGREEABLY to the request of my Council I have the honour to transmit to your Excellency a copy of a memorandum lately handed to me by them, and to recommend the request which it contains to your Excellency's consideration.

I have, &c.

(Signed) ARTHUR H. GORDON.

MEMORANDUM of EXECUTIVE COUNCIL enclosed in preceding LETTER.

To his Excellency the Hon. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor of the Province of New Brunswick, &c. &c.

THE Executive Council in Committee have had under consideration the Despatch of his Excellency the Governor-General of Canada, dated 4th May 1865, and would respectfully request your Excellency to forward to his Excellency the Governor-General the accompanying correspondence which has consequently taken place, and from which it appears that a large proportion of the delegates had no knowledge of the alteration referred to until after it was made.

The Council would also respectfully request your Excellency to ask his Excellency the Governor-General to furnish your Excellency with the names of the delegates whose signatures were appended to the resolutions before as well as after the alteration was made.

The Council further request your Excellency to transmit a copy of this memorandum to his Excellency the Governor General.

(Signed) W. H. ODELL. A. J. SMITH.
T. W. ANGLIN. R. A. WILMOT.
JOHN C. ALLEN. BLISS BOTSFORD.
GEORGE L. HATHEWAY. A. H. GILLMOR, jun.
RICHARD HUTCHISON.

Council Chamber, June 1865.

NEW BRUNSWICK.

Hon. W. H. STEEVES to the PROVINCIAL SECRETARY.

SIR, Fredericton, May 19, 1865.

YOURS of the 12th instant was duly received, and in answer I beg to state, for the information of his Excellency the Lieutenant-Governor, that my consent has not been "requested to any change "in the wording of the resolutions agreed to by the Conference held at Quebec in October last, "subsequently to their signature."

I have, &c.
(Signed) W. H. STEEVES.

J. M. JOHNSON, Esq. (late Attorney-General), to the PROVINCIAL SECRETARY.

Chatham, May 18, 1865.

[Same as preceding Letter.]

Hon. E. B. CHANDLER to the PROVINCIAL SECRETARY.

SIR, Fredericton, May 12, 1865.

IN reply to your letter of the 11th instant, informing me that you were directed by his Excellency the Lieutenant-Governor to inquire whether my consent was requested to any change in the wording of the resolutions agreed to by the Conference held at Quebec in October last, I have to say that no such consent was requested, nor was I made aware of any change being made in the wording of any of the resolutions after the same were agreed to at the Conference.

I have, &c.
(Signed) E. B. CHANDLER.

Hon. P. MITCHELL to the PROVINCIAL SECRETARY.

Fredericton, May 12, 1865.

[Same as preceding Letter.]

Hon. J. H. GRAY to the PROVINCIAL SECRETARY.

SIR, Saint John, May 12, 1865.

I HAVE the honour to acknowledge your note of yesterday's date, inquiring, by direction of his Excellency the Lieutenant-Governor, whether my "consent was requested to any change in the "wording of the resolutions agreed to by the Conference held at Quebec in October last, subsequently "to their signature."

In reply I beg to state, for the information of his Excellency, that no such consent was asked of me, nor have I directly or indirectly received any communication upon such a subject, and if I may be permitted to add the expression of my personal belief, I do not believe that in the wording of the original resolutions, as signed by myself and others of the delegates, any alteration whatever has been made.

I have, &c.
(Signed) J. H. GRAY.

CHARLES FISHER, Esq., to the PROVINCIAL SECRETARY.

SIR, Fredericton, May 12, 1865.

IN reply to your note of the 11th instant, I have to state, for the information of his Excellency the Lieutenant-Governor, that my assent was never requested to any change in the resolutions agreed to by the Conference held at Quebec in October last.

I have before me a copy of the resolutions laid before the Canadian Parliament, and of those transmitted to his Excellency, and the only difference I can discover is in the terms of the 24th resolution. I cannot now remember what took place in the Conference when that resolution passed, nor do my minutes show, as it was of very secondary importance when compared with many of the questions which were discussed.

When the resolutions were revised I was not well, and was compelled to leave the room before they were all disposed of. I was not present when the revised copy, engrossed on parchment, was signed by the delegates, but I signed alone some time afterwards, upon the assurance of Colonel Barnard, the Secretary, that it was a true copy of what had been agreed upon.

I know that the Canadian ministers are of opinion that there was a mistake in copying out the minutes, or that it was not the real intention of the Conference to leave the electoral districts for members of the Federal Commons, to be adjusted and altered from time to time by the local Legislature, as a representative might find himself deprived of his constituents by a body he had no power of influencing while he was attending to their interests at Ottawa.

I have, &c.
(Signed) CHARLES FISHER.

Mr. TILLEY to the PROVINCIAL SECRETARY.

SIR, Fredericton, May 25, 1865.

IN reply to the inquiry contained in your communication of this day's date, I beg to state, for his Excellency's information, that shortly after my return from Canada in November last I received a letter from the Hon. Mr. Galt, asking information relative to the duty collected on timber and lumber

exported from New Brunswick, and the reasons why the delegates to the Quebec Conference from this Province insisted upon the authority being given to the local Legislature to impose such duty after the union. NEW BRUNSWICK.

On the 1st December he wrote me acknowledging the receipt of my reply to these inquiries, and in that letter he asked me if there was not a mistake in the wording of the 24th resolution, in the record signed by members of the Conference at Montreal, leaving to the local Legislatures the power of determining the electoral limits of the Confederate Legislature. I find this letter on file, but I cannot now remember whether or not I answered it; if I did, I have not kept a copy.

By my minutes taken when the subject referred to was under discussion, I conclude it was the intention of the Conference to give the local Legislatures the power named, but to be limited to the election of the members of the first Parliament.

If I replied to Mr. Galt, it will be found that such was the opinion I then expressed.

My opinion as to the intention of the Conference was asked, but not my consent to a change in their decision.

I have, &c.
(Signed) S. L. TILLEY.

The GOVERNOR-GENERAL to the LIEUTENANT-GOVERNOR.

SIR, Quebec, June 12, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch of the 6th instant, transmitting copies of a communication from your Executive Council, and of correspondence respecting the alleged change in the terms of one of the resolutions of the Conference held at Quebec last autumn for the consideration of a union of the British North American Provinces.

In reply, I beg leave to say that several leading members of the Canadian Government, together with Lieutenant-Colonel Barnard, who acted as Secretary to the Conference, are at present absent from the Province on public business.

Their return is expected in a short time, and when they arrive I shall not fail to lay your Despatch and its enclosures before the Executive Council.

I have, &c.
(Signed) MONCK.

No. 15. No. 15.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 58.) Fredericton, July 15, 1865.
(Received July 29, 1865.)
(Answered No. 91, August 4, 1865, page 119.)

SIR,

I RECEIVED by the last mail your Despatch No. 81,* of the 24th June. I thought it desirable that its contents should be immediately made public; and I accordingly directed it to be printed in the last issue of the Royal Gazette. * Page 118.

2. I of course lost no time in communicating a copy of the Despatch and its enclosures to my Executive Council, and I have now the honour to transmit to you the copy of a Minute of that body with reference thereto.

I have, &c.
The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

Enclosure in No. 15. Encl. in No. 15.

To his Excellency the Hon. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick.

MAY IT PLEASE YOUR EXCELLENCY,

THE Executive Council in Committee have had under consideration a Despatch from the Secretary of State for the Colonies, dated 24th June, lately communicated to them by your Excellency.

From the language of this Despatch it would be natural to infer that it related to some scheme for effecting an entire legislative and administrative union of the British North American Provinces, which has not yet been made public, but words used in the concluding paragraph taken in connexion with various other circumstances lead the Committee to conclude that it is intended to refer to the resolutions in favour of a Federation of the various Provinces of British North America agreed to by the Canadian Parliament at its last Session. These resolutions have already been submitted to the people of New Brunswick at the time and in the manner which the advocates of the scheme themselves selected. The Legislature was dissolved, and the people were enabled to pronounce their decision on this most important subject in the regular constitutional mode, and, after ample consideration, refused by an overwhelming majority to adopt the scheme; not because it was novel, as Mr. Cardwell has been led to suppose, but because they were unable to discover anything in it that gave promise of either moral or material advantage to the empire or to themselves, or that afforded a prospect of improved administration or increased prosperity.

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The spirit of loyalty which has always animated the people of New Brunswick, and of which they have on many occasions given proof, is still as ardent as ever, and whenever it becomes necessary they are prepared to place all their means and resources at the absolute disposal of the Imperial Government, but they cannot believe that the contemplated confederation would either increase their strength or render it more available.

A large majority of the people of this Province are opposed to any closer political connexion with Canada than that afforded by the tie of a common allegiance to the British Crown, and consider that such a union would have a decided tendency to weaken that dependence on the British empire which they so highly prize, and would lead to the neglect and injury of their local interest, in which opinion the Committee believe that the people of the other Maritime Provinces fully concur; but even those who desire a union must fail to discover in the resolutions adopted at Quebec any provision whatever for the accomplishment of a fusion which, in the words of Mr. Cardwell's Despatch, would unite in one Government all the British North American Provinces, and form a Province uniting in itself all the population and all the resources of the whole.

The Committee, of course, cannot suppose that the British Government share the ignorance with regard to the history and character of the federal scheme which appears to prevail among the British public, and which induces the "Times" newspaper of 20th June to observe that "the two Canadas "have put aside their ancient jealousies and are ready to meet in a common Legislature," in apparent forgetfulness of the fact that they have so met for the last 25 years, and very probably without any consciousness on the part of the writer of the article that the jealousies between the Canadas, said to have been put aside, are avowedly the cause of the late proposal, and that its authors, in the event of its failure, are pledged to restore to Upper and Lower Canada a great measure of the local independence surrendered by them in 1840.

The resolutions agreed to by the leading Canadian politicians in the month of June 1864 as the basis of the formation of the existing Cabinet, and adopted solely under the pressure of local exigencies, contain the statement that, "on consideration of the steps most advisable for the final settlement of "*sectional difficulties*, the remedy must be sought in the adoption of the federal principle," and provide that if such negotiations were unsuccessful, they would be "prepared to pledge themselves to legis- "lation during the next session of Parliament for the purpose of remedying existing difficulties by "introducing the federal principle for Canada alone."

It is perfectly clear that the "existing difficulties" were the motive and groundwork of the scheme, and that the federal union was only sought as a means of separating the Canadas, a separation which the Canadian Government are pledged in all events immediately to effect—a fact which, perhaps, sufficiently accounts for the eagerness with which they seek to force its immediate adoption upon unwilling communities, for they are well aware that, did the plan avowedly contemplate only the separation of the Canadas, it would be impossible even speciously to present it to the Imperial Government as in any manner a scheme of union.

Mr. Cardwell is perfectly right in supposing that the views and wishes of Great Britain are entitled to great weight, and they will ever be received with respectful attention in this Province; but the Committee feel certain that if there be one view with regard to the Colonies which is more clearly and distinctly held than another by Her Majesty's Government and the people of England, if there be one wish on their part with respect to which there can be neither hesitation nor doubt, it is that the people of this Province, and of others enjoying, through the wise liberality of England, parliamentary institutions and free self-government, should act in reference to their own affairs as seems to themselves most consistent with their duty to their Sovereign and most conducive to their own interests.

To confer on this Province a right of self-government would have been mockery if, in consequence of its claims to deference as a protector, the wish of the mother country was in all cases to be followed whenever expressed, whatever the opinion of those to whom the power of judging has been solemnly entrusted by the Sovereign and Legislature of Great Britain, and who, being on the spot, and fully conversant with the subject, considered themselves not unable to judge with respect to their own affairs. When a wish is expressed by Her Majesty's Government, it will be received with that deference which is due to suggestions emanating from so high a source, and will be considered with an anxious desire to meet the views of Her Majesty's advisers; but if such views should unfortunately not coincide with the views of those on whom alone the responsibility of action in the Province falls, the Committee feel assured that Her Majesty's Government will expect and desire that the Government of this Province should act according to their own convictions of right, and in conformity with the sentiments of the people they represent.

(Signed) R. D. WILMOT.
T. W. ANGLIN.
GEORGE L. HATHEWAY.
BLISS BOTSFORD.
W. H. ODELL.
R. HUTCHISON.
A. H. GILLMOR, Jun.

Fredericton, July 12, 1865.

No. 16.

No. 16.

Copy of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 83.)

Fredericton, November 6, 1865.
(Received November 20, 1865.)
(Answered No. 115, December 7, 1865, page 120.)

SIR,

HER Majesty's Government will doubtless desire to be informed of the present condition of public feeling in this Province with regard to the question of the Federation

of the British North American Provinces, and whether it is probable that the scheme agreed to at Quebec and approved by Her Majesty's Government will ultimately be adopted by New Brunswick. NEW BRUNSWICK.

2. I cannot pretend, so immediately after my return, to furnish any accurate report on this important subject, but I shall hope to do so in some detail upon a very early day.

3. The elevation of Attorney-General Allen to the bench, and the appointment of the Hon. A. J. Smith as Attorney-General, have rendered two elections necessary—the one in the county of Westmoreland, the other in that of York. Mr. Palmer, a lawyer of considerable ability, who had been one of the candidates in the confederate interest at the late general election, had announced his intention of opposing the return of Mr. Smith in Westmoreland, but finding success hopeless, he withdrew from the contest on the day of nomination. Had he gone to the poll, there can be no doubt that he would have been defeated by an overwhelming majority.

4. In the county of York it was at first supposed that no opposition would be made to the return of Mr. Pickard, a strong anti-confederate. Mr. Charles Fisher, one of the former members for the county, who lost his seat at the late election, has, however, come forward, and, as it appears to me, with very great probability of success.

5. As Mr. Fisher was one of the delegates at the Quebec Conference, and as, at the election in March, he was defeated by a very large majority, his return upon the present occasion will be a most important gain to the cause of Confederation. At the same time I must not conceal the fact that his election will not necessarily indicate any marked change of sentiment on the part of the constituency with regard to the subject. Great pains have been taken to make the contest depend rather on local questions affecting the county of York than on the broad issue of confederation. Mr. Fisher has long represented this county, and a feeling of regret at his exclusion from the House of Assembly prevails among many who are opposed to confederation, but who look upon that question as practically settled, in so far as this Province is concerned, by the late general election, and desire on other grounds to see Mr. Fisher restored to public life. I enclose one of the various appeals published in this sense. No. 1.

6. Although, therefore, I regard Mr. Fisher's election, should it take place, as a most important accession of strength to the ranks of the friends of confederation, it will not, in my opinion (unless he obtains a much larger majority than I at present anticipate), so certainly indicate a decided change of opinion in the Province as might at first sight be supposed.

7. The election takes place to-day, and I therefore hope to be able to communicate to you the result (so far at least as this city is concerned) before the mail closes.

8. I enclose a copy of Mr. Fisher's address. No. 2.

I have, &c.

The Right Hon. Edward Cardwell, &c. &c. &c. (Signed) ARTHUR H. GORDON.

P. S.—5 p.m. Mr. Fisher has a majority of 22 in Fredericton. I think this is a proof that he will obtain a majority throughout the county.

Enclosure 1 in No. 16. Encl. 1 in No. 16.

To the Electors of York.

To the Editor of the Reporter,—

If ever there was a time in the history of New Brunswick, and more especially the county of York, when we required the services of men of intelligence to represent our interests in the Legislature, astute, far-seeing statesmen, men who are able to grapple with the momentous questions of the day, and mould them to the best interests of the Province, now is the time. Look abroad throughout the continent of America, and you will find in every legislative body questions of magnitude affecting the interests of the people for weal or woe, engaging their attention and calling forth the powers of their collective wisdom to so arrange them as they may be productive of good, while the public mind, constantly agitated, is ever and anon peering into the future to ascertain, if it were possible, its hidden secrets. But while one great question affecting our interests as a Province was settled for the time being at the last general election, there are others which will occupy the attention of our representatives at the next session worthy of serious consideration, and as we have now an opportunity of filling a vacancy in the representation, it behoves us to be careful in the selection. The question is not now confederation or no confederation (I consider that question virtually settled at the last election); but who is the best man to represent the interests of the county of York?—who is the man who has pluck enough to say, "Timothy Warren Anglin shall not reign over us," and inserting a wedge at the base of the miserable Government now in power, shall drive it home, until the already shattered fabric shall

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topple over? Gentlemen, electors of York, you have two men to choose from; one has been tried, and in the hour of need you have found him the right man in the right place, a patriot and a statesman combined. The Hon. Charles Fisher stands second to none in this Province as the champion of the people's rights. Of the other we can only say we are sorry he is found in such bad company. F.

Encl. 2 in No. 16.

Enclosure 2 in No. 16.

To the ELECTORS of the County of York.

GENTLEMEN,

HAVING received requisitions from every part of the county, urging me to offer myself as a candidate for your suffrages at the approaching election, and assuring me that I would meet with your support, I have concluded to place myself at your disposal.

With no intention to retire from public life, my present freedom from political care indisposes me from engaging in a contest, believing as I do that the signs of the times unmistakeably indicate that very soon the whole constituent body of the Province will be called upon to elect representatives.

The strong feeling evinced for me, with the extraordinary course adopted by a portion of the press, leave me no honourable alternative but to step into the arena and throw myself upon you, my fellow subjects.

You know that to my action in the Legislature the country is largely indebted for the present state of the Western Railroad. Had the late House not been dissolved, I should have suggested a mode which would have secured the immediate commencement of the work, and if you elect me I am prepared with a plan to provide for its early completion, together with the branches to Fredericton, Woodstock, and Saint Stephen, without adding to the public burdens. I believe it to be bad policy, and also unfair to energetic men in these localities, to ask them to invest in stock large sums which they require for their legitimate business.

The publication of Mr. Fleming's report has proved the correctness of every statement I made to you last winter, with regard to the route of the Intercolonial Railway traversing the whole extent of the county of York.

The great question of the day is the Union of the Colonies, which is desired by the Queen, by Her Majesty's ministers, and by the British people. Representatives and candidates now generally agree in the advantages of Union: the objections are to the Quebec scheme. I stated during the last election that it was the best compromise that could be effected at the time, and was highly advantageous to New Brunswick. If any improvement can be made in it, or any additional advantage attained for the Province, I shall be only too glad to aid in procuring it.

Gentlemen, I have devoted the best years of my life to your service, and were my connexion with you now to be severed for ever, I know that I have left the impress of my mind upon the institutions of the country; that every change I have proposed was conceived in the true spirit of the British constitution, and with a view to perpetuate our connexion with the land and government of our fathers.

Yours, &c.

Fredericton, October 25, 1865. (Signed) CHARLES FISHER.

No. 17.

No. 17.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Fredericton, New Brunswick,
(No. 84.) November 20, 1865.

(Received December 4, 1865.)

SIR, (Answered No. 115, December 7, 1865, page 120.)

* Page 100.

IN my Despatch, No. 83,* of the 6th inst. I informed you of the probable election of the confederate candidate, Mr. Fisher, for the county of York. Mr. Fisher was returned by a majority considerably larger than I had anticipated. Although its effect is diminished by his somewhat inconsistent pledge to oppose the scheme of Confederation if presented to the present Parliament, and by the persevering efforts of his friends to convince the electors that the Confederation question had been set aside, and would not be affected by the issue of the contest, it cannot, I think, be doubted that the election of Mr. Fisher, rather perhaps by its effect elsewhere, than from its own intrinsic importance, is a decided step towards the accomplishment of the federal Union of the British North American Provinces.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) ARTHUR H. GORDON.
&c. &c. &c.

No. 18.

No. 18

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 12.) Government House, Fredericton, N.B., March 14, 1866.

Sir,

(Answered No. 11, March 31, 1866, page 120.)

I have the honour to enclose for your information a copy of a paragraph of the Address which has this day been agreed upon by the Legislative Council of this Province in answer to my speech at the opening of the session, from which you will perceive that that body have expressed a strong and decided opinion in favour of a Union of the British North American Provinces.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR H. GORDON.

Enclosure in No. 18.

Encl. in No. 18.

Paragraph of Address in reply to Speech by the Legislative Council, New Brunswick.

"The correspondence on the affairs of British North America which your Excellency announces will be immediately laid before us by command of Her Majesty, will receive at our hands that careful and respectful attention due to matters emanating from so high a source, and be considered with an anxious desire to meet the wishes of Her Majesty's Government, being fully convinced that a Union of the British North American Colonies will strengthen the ties which bind them to the mother country, and be consistent with the true interests and prosperity of this Province."

No. 19.

No. 19.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 15*a*.) Saint John, New Brunswick, March 26, 1866.

(Received April 9, 1866.)

Sir,

(Answered No. 16, April 14, 1866, page 120.)

I have the honour to enclose for your information a copy of the Address which has been agreed upon by the Legislative Council in reply to my speech at the opening of the session.

2. You will perceive from the paragraph marked with ink that the advantages likely to result from a Union of the British North American Provinces have been recognized in the fullest manner by the Legislative Council. Only three dissentient votes were recorded against the paragraph.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR H. GORDON.

Enclosure in No. 19.

Encl. in No. 19

To his Excellency the Hon. Arthur Hamilton Gordon, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

The humble Address of Her Majesty's Legislative Council in General Assembly.

(Extract.)

We thank your Excellency for the announcement that the report of the delegates, directed by your Excellency to proceed to England on various important questions, will be laid before us; and we learn with satisfaction that a contract has been secured by them which, in connexion with measures adopted by the Government of Nova Scotia, it is contemplated will ensure the completion of the railway communication between Saint John and Halifax. We are likewise gratified at the information that the construction of a railway from Saint John to the frontier of the United States is under contract, and that the works are already in progress.

"The correspondence on the affairs of British North America, which your Excellency announces will immediately be laid before us by command of Her Majesty, will receive at our hands that careful and respectful attention due to matters emanating from so high a source, and be considered with an anxious desire to meet the wishes of Her Majesty's Government, being fully convinced that a Union of the British North American Colonies will strengthen the ties which bind them to the Mother country, and be consistent with the true interests and prosperity of the Province."

New Brunswick, No. 20.

No. 20.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 17.) Fredericton, April 3, 1866.
(Received April 23, 1866.)

Sir, (Answered No. 19, April 28, 1866, page 120.)

Page 103. In my Despatch, No. 15*a*, *of the 26th ult. I transmitted to you the Address which had been agreed to by the Legislative Council of this Province in answer to my speech on the opening of the session.

2. It has been usual not to receive the Address of the Upper House until that of the Assembly is also ready for presentation, when both Houses are formally received at the same time. The debate on the Address in the Lower House, however, having already lasted a month, and showing no signs of terminating, I resolved no longer to delay the reception of the Address of the Council, which was accordingly presented to me yesterday, and to which I replied in terms which will, I hope, be approved by you.

No. 1.
No. 2.

3. I have marked the paragraph of the Address relating to Union, which, you will observe, contains a clear and distinct approval of that measure.

I have, &c.
(Signed) ARTHUR H. GORDON.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

Encl. 1 in No. 20.

Enclosure 1 in No. 20.

To his Excellency the Honourable Arthur Hamilton Gordon, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick.

The humble Address of Her Majesty's Legislative Council in General Assembly, &c. &c. &c.

(Extract.)

The correspondence on the affairs of British North America, which your Excellency announces will immediately be laid before us by command of Her Majesty, will receive at our hands that careful and respectful attention due to matters emanating from so high a source, and be considered with an anxious desire to meet the wishes of Her Majesty's Government, being fully convinced that a union of the British North American Colonies will strengthen the ties which bind them to the mother country, and be consistent with the true interests and prosperity of this Province.

In the discharge of the duties now devolving upon us, we trust that (under a full sense of our responsibilities) our deliberations may tend to promote the welfare of the Province and its people, and cement closer our connexion with that great Empire which it is our ardent desire to maintain.

Encl. 2 in No. 20.

Enclosure 2 in No. 20.

Reply to the Address of the Legislative Council in answer to the Speech opening the Session.

Mr. President and Honourable Gentlemen of the Legislative Council,

I thank you for your address. I have full confidence in the loyal and patriotic spirit by which your discussions will be guided, and am well assured of your readiness to concur in all measures requisite to ensure the safety and tranquillity of the Province.

Your conviction that a Union of the British North American Provinces will strengthen the ties which bind them to the mother country, and be consistent with the true interests and prosperity of New Brunswick, will I know afford much satisfaction of Her Majesty's Government, who will rejoice to learn that this great measure, the speedy accomplishment of which is ardently desired by them, and which, if carried into effect with a careful regard to the strength and efficiency of the Union, they believe so well calculated to benefit British America, is heartily approved by you.

No. 21.

No. 21.

Copy of a DESPATCH from Lieut.-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 18.) Fredericton, April 9, 1866.
(Received April 23, 1866.)

Sir, (Answered No. 20, April 28, 1866, page 121.)

I have the honour to enclose an Address from the Legislative Council of New Brunswick to Her Majesty the Queen, praying that Her Majesty will be "pleased to "cause a measure to be submitted to the Imperial Parliament for the purpose of thus "uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and "Prince Edward Island in one Government."

2. I have to request that you will lay this Address before Her Majesty.

3. I enclose also a copy of the resolutions agreed to by the Council previous to the passage of the Address, and of the speech made by me when the President, who was accompanied by the whole House, placed the Address in my hands for transmission to Her Majesty. The terms of that speech will I trust meet with your approval.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR H. GORDON.

Enclosure 1 in No. 21.

Encl. 1 in No. 21.

Resolutions of the Legislative Council of New Brunswick.

Legislative Council Chamber, April 6, 1866.

Resolved, as the opinion of this committee, that a Union of all the British North American Colonies based on the resolutions adopted at the Conference of Delegates for the several Provinces held at Quebec on the 10th day of October 1864 is an object highly to be desired, essential to their future prosperity and influence, and calculated alike to strengthen and perpetuate the ties which bind them to the mother country; and further,—

Resolved, as the opinion of this committee, that the Legislative Council should concur in any measure which may be necessary to carry such Union into effect.

Enclosure 2 in No. 21.

Encl. 2 in No. 21.

Address of the Legislative Council of New Brunswick.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's faithful and loyal subjects, the Legislative Council of New Brunswick in Provincial Parliament assembled, humbly approach Your Majesty with the conviction that a Union of all Your Majesty's British North American Colonies, based on the resolutions adopted at the Conference of Delegates from these several Colonies held at Quebec on the 10th day of October 1864 is an object highly to be desired, essential to their future prosperity and influence, and calculated alike to strengthen and perpetuate the ties which bind them to Your Gracious Majesty's throne and Government, and humbly pray that Your Majesty may be pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of thus uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government.

(Signed) John Saunders,
Acting President of the Legislative Council.

Enclosure 3 in No. 21.

Encl. 3 in No. 21.

Reply to the Address of the Legislative Council of New Brunswick.

Mr. President and Honourable Gentlemen of the Legislative Council,

I will immediately transmit your Address to the Secretary of State for the Colonies, in order that it may be laid at the foot of the throne.

Her Majesty the Queen has already been pleased to express a deep interest in the Union of Her North American Dominions, and will no doubt graciously appreciate this decided expression of your opinion.

I rejoice to believe that the avowal of your desire that all British North America should unite in one community under one strong and efficient government cannot but tend to hasten the accomplishment of this great measure.

No. 22.

No. 22.

Copy of a DESPATCH from Lieut-Governor the Hon. Arthur Gordon to the Right Hon. Edward Cardwell, M.P.

(No. 21.) Government House, Fredericton, N.B., April 10, 1866.

Sir, (Received, May 8, 1866.)

I have the honour to enclose the protest of the minority of the Legislative Council, against the Address to Her Majesty transmitted to you in my Despatch, No. 18,* of the 9th instant.

* Page 104.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR H. GORDON.

NEW BRUNSWICK.

Encl. in No. 22.

Enclosure in No. 22.

LEGISLATIVE COUNCIL JOURNAL.

Monday, April 9, 1866.

Present:

The Hon. Mr. Saunders sitting as President.

The Hon. Mr.	Botsford,	The Hon. Mr.	Chandler,
,,	Minchin,	,,	Hazen,
,,	Harrison,	,,	Davidson,
,,	Odell,	,,	Wark,
,,	Steeves,	,,	Ryan,
,,	Hamilton,	,,	Todd,
,,	Rice,	,,	Robinson,
,,	Mitchell,	,,	Perley.
,,	Ferguson,		

PRAYERS.

Dissentient

To the passing of the address to the throne, praying Her Majesty to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government, based on the resolutions of this House passed on Friday, the Sixth day of April instant, and to the resolutions of this House of Saturday last, that such address should be presented by this House instead of a Committee thereof:—

1. Because the scheme for a Confederation under the Quebec resolutions was submitted to the people of this Province at a general election holden in March 1865, and was rejected by a large majority, a dissolution of the House of Assembly having taken place for the express purpose of obtaining the decision of the people in reference to such constitution.

2. Because at the subsequent session of the Legislature, held in May 1865, a resolution against the adoption of such Confederation was passed by a large majority of the representatives of the people, declaring that in their opinion the consummation of such a scheme would prove disastrous to the best interests and prosperity of this Province, the division thereon being twenty-nine—ten, while this House forbore to give any opinion on the subject, though made the order of the day for the Eighteenth day of May 1865.

3. Because this House, in now praying Her most Gracious Majesty to force upon an unwilling people by Imperial legislation a measure which has been so rejected by them, is seeking the adoption of a policy totally at variance with that benign rule heretofore enjoyed by us under our Most Gracious Sovereign and Her Royal predecessors, and subversive of the rights of Her loyal subjects as existing under the blessings of self-government long enjoyed throughout Her Majesty's British North American Colonies.

4. Because this House, in asking Her Majesty to cause to be submitted to the Imperial Parliament for enactment a scheme of Confederation so rejected by the people and their representatives in General Assembly, are pursuing a course impolitic and unwise, and necessarily tending to bring this House into collision with the House of Assembly and the people of this Province, while, by thus ignoring their rights, and interfering with their privileges, they weaken, in the minds of the people, their respect for the legitimate functions of this House, which it is so desirable to preserve unimpaired, such interference being justly regarded by the people of New Brunswick as an attempt by this House to coerce them into the adoption of a Confederation to which they have declared themselves entirely opposed.

R. L. HAZEN.
JAMES DAVIDSON.
W. H. ODELL.
WILLIAM HAMILTON.
J. ROBINSON.

No. 23.

No. 23.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 41.) Fredericton, June 4, 1866.

(Received, June 18, 1866.)

SIR, (Answered, No. 40, June 22, 1866, page 122.)

IN my confidential Despatch of May 7th, I stated that I had, on the advice of my Executive Council, dissolved the Provincial Parliament.

2. Sixteen members of the new House of Assembly have already been returned, of these not one is a supporter of the late Government, or an opponent of Confederation. The county of York, which at the last general election returned four members opposed to the Quebec scheme, has now, by a majority of nearly two to one, returned four

unionists. Of the only two members of the late Government who have as yet offered themselves for re-election, one has been signally defeated, whilst the other, finding success hopeless, withdrew from the contest before the day of polling. NEW BRUNSWICK.

3. There can now, I think, be no doubt that the new Parliament will contain a very large majority favourable to Confederation.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR H. GORDON.

No. 24. No. 24.

Copy of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 44.) Fredericton, June 4, 1866.

(Received, June 18, 1866.)

SIR, (Answered, No. 38, June 22, 1866, page 121)

I HAVE the honour to enclose copies of two letters lately published by the Roman Catholic Bishop of Chatham in this Province. These letters have some interest from the fact that, up to this time, the Roman Catholic body has been generally opposed to the accomplishment of the Union of the British North American Provinces.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR H. GORDON.

Enclosure in No. 24. Encl. in No. 24.

LETTER to the Right Rev. Dr. ROGERS, Bishop of Chatham, with Reply, giving his views on Confederation.

MY DEAR LORD BISHOP, Newcastle, New Brunswick, April 21, 1866.

WE are about entering upon a great political struggle on behalf of Confederation. You are aware that the House has been prorogued, and a new Government has been formed, with the avowed object of bringing about by all fair and legitimate means, that most desirable object. I have received a position in the Government in the person of Solicitor-General. * * * * * My past political course will be a guarantee for future operations. I have, under the circumstances, respectfully to request your Lordship's favour and assistance in the coming election, should you be satisfied with my past conduct. I have every reason to believe that you are favourable to a Union of these Provinces, and will, as such, support those who support that principle.

I have, &c.

The Right Rev. Dr. Rogers, Bishop of Chatham. (Signed) EDWARD WILLISTON.

(REPLY.)

MY DEAR SIR,

MY absence from home, protracted longer than at first intended, prevented me from replying sooner to your favour, which reached me at Halifax.

It is hardly necessary for me to premise, that hitherto during my residence in New Brunswick I have abstained from taking any active part in politics, not because I did not feel an interest in everything pertaining to the welfare of the country, but because the numerous and pressing duties of my ministry had a prior claim, and absorbed all my time and attention. If, in replying to your letter on the present occasion, I deviate from my previous course by recording my strong convictions respecting the all-important question of a Union of the British North American Provinces, convictions which I have continued to entertain with increasing strength since that question became practically agitated during the past few years, it is because a combination of circumstances, and the importance of the present crisis in our country's history, render it imperative for one in my position not to remain silent.

Among the reasons which convince me of the benefit of the proposed Union, there is one entirely independent of the intrinsic merits of the question; it is, that this measure is earnestly recommended to us by the British Government—not by this or that particular statesman or party—but by the great statesmen of all parties, and that not only in their personal character as intelligent and far-seeing politicians, but officially through the ordinary and legitimate exponent of the Sovereign's and of the nation's wishes, viz., the Government of the day.

But is this a strong reason in its favour? Certainly. It is under present circumstances the strongest *prima facie* evidence of its benefit that could be produced.—Why? Because these parties, from their stand-point of view, their information on the subject and interest in it, are in a position to be the very best judges of its merits. They are, as they have reason to be, deeply interested in the welfare of their Colonial Empire. England's greatness hitherto has been caused by, nay, I might almost say consisted in, the extent and success of her Colonies. The territorial smallness and insular position of the mother

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country made it not a mere matter of choice, or simply good policy, but of stern necessity, to build and man, and keep in profitable employment the "Wooden walls of England," both mercantile and war ships. Without her Colonies to people, protect, and trade with, her mercantile marine and Government navy would have been without an object, therefore without existence, and without their existence the history of Great Britain during the last two or three hundred years would not have been the history of the greatest, wealthiest, and most powerful Empire that ever existed, but rather a continuation of England's history during the wars of the Roses. The external field of congenial adventure for the young noble, as well as of cheerful and profitable employment for the peasant youth, which the shipping and foreign possessions of the nation furnished, prevented the internal commotions which must inevitably exist in continental countries that have no such outlet for their surplus population, nor legitimate safety-valve, so to speak, for the escape of the exuberant and discontented spirits that cannot be restrained at home, but are always busy in creating revolution or other civil mischief. British statesmen are not only thus interested in the welfare of the Colonies, but their opportunities and facilities for possessing the most extensive and accurate information bearing on the subject preclude the moral possibility of their judging without being duly informed, while their moderate but not too remote distance from us enables them to take a more broad, general view of our affairs, unbiassed by local prejudice or predilections, and unaffected by the petty personal or sectional interests or jealousies which enter so largely into our Provincial politics.

When, therefore, a great measure calculated to develop and consolidate our Colonial prosperity as well as promote Imperial interests, is proposed and earnestly recommended by the parent State for our adoption, it is, in my opinion, one of the greatest arguments in its favour. Nay, I go further and say, that, considering the past and present relationship between us and the mother country, *it is our duty* to acquiesce. Do we owe nothing to the mother that bore us? that gave us territorial and political existence—whose sons fought and bled, whose statesmen laboured, and whose people taxed themselves to pay for the wars by which these Colonies were acquired and opened up for our forefathers and ourselves, whereby we came into the free and easy possession of the property, prosperity, and liberty we enjoy in them? Is Great Britain to continue to tax her people in order to send out here not only money and munitions of war, but also her bravest sons—the flower of the country in her armies and fleets,—to fight for *us*, to protect and build *us* up, and *we* refuse to make the slightest concession of our opinions, or even interests, were it required, in compliance with her recommendation? At the very moment when we have but just been delivered from Fenian invasion by the prompt action of the British forces protecting us, are we, in return, to thwart and oppose British policy, to stickle for our opinions, to prefer, not the wish of our protector, parent, and friend, but rather that of her and our enemies? While Great Britain wishes us to unite, the Fenians have avowed it to be their policy to prevent such Union. Which of these two should we try to please? *Fas est ab hoste doceri.*—Should we not do the opposite of what the enemy wishes?

But besides the argument which honour and duty to our benefactress furnish, that of self-interest, in the more rapid increase of material prosperity which must inevitably follow from the more frequent intercommunication, the building of railroads and other public works, the increase of population and general business, the opening up and settling of wilderness lands, &c., &c., would make it the most preposterous folly for us obstinately to persist in refusing to take part in the benefits of the proposed Union.

Need I say, then, in conclusion, that yourself and your colleagues who advocate this great measure, have my warmest sympathy and best wishes for your success.

With much esteem for yourself and entire approbation of your faithful and consistent parliamentary course, especially since the period of your last election,

I remain, &c.

The Hon. Edward Williston,
Newcastle, New Brunswick.

(Signed) + JAMES ROGERS,
Bishop of Chatham.

Letter from the Right Reverend Dr. ROGERS, Bishop of Chatham, to JOHN M. JOHNSON, Esq.

DEAR SIR, Newcastle, N.B., May 22, 1866.

I HAVE just read in the "Northern Post" of Saturday your speech delivered at the meeting in Mason Hall, Chatham, on Wednesday evening last. I cannot sufficiently express my admiration of your clear, concise, and yet comprehensive exposition in that speech of the constitutional question now at issue between the leading politicians of this Province. I have often heard allusion made by some of the most respectable R. C. clergymen in these parts to a noble speech once delivered by you in your place in Parliament, advocating equal rights and even-handed justice to all classes and creeds, which merited for you the grateful support of themselves and the Roman Catholics generally of this county ever since. I would say of the present speech, that it alone ought to be sufficient to make the fame of any colonial statesman, and deserves a place among the best papers ever written on the constitution of Great Britain and that of her Colonies.

I regard the British constitution as the most perfect form of civil government that can be devised in our present state of human affairs; though I admit that it is not equally suited to all peoples and climates. It consists, as all know, of three different branches, Queen, Lords, and Commons, each distinct and separate from the others; each of the two latter, when duly convened by the first, being competent to discuss, deliberate, and legislate independently of the other, but such legislation of any one branch cannot become law or take effect without the concurrence of the other two.

What is termed responsible government, as I understand it, consists in this, viz., that the Sovereign receive a select number of members from the party having the majority in both the other branches, to aid him by their opinions and advice, either in giving his consent to an act of legislation or in putting into execution a law that already exists. Hence these advisers are called "the Executive Council," for as such Council they have no legislative power, their office being simply to counsel or advise the Sovereign, not to bind her; otherwise they would be her rulers or governors, not councillors. But as she alone forms one independent branch of the Legislature, she is not *bound* to follow their advice,

although she generally does so. But they, while they remain her councillors, must assume the responsibility of her official acts. If on any occasion she exercises her right to act irrespective of, or in opposition to their advice, and they are unwilling to assume the responsibility of her act, there is no alternative for them but to resign. They cannot hold office and ignore its responsibility.

Hence in the recent difficulty between the Governor of our Province (who represents and exercises the delegated power of the Sovereign) and his late advisers, the case appears to me quite clear, even from the statements published by themselves, that they, not he, violated the principle of responsible government by remaining in office while they refused to bring forward a measure of Union to which, by the Governor's speech on opening Parliament, they as well as he had committed themselves. If in consenting to the speech they were acting in good faith, as I believe they were, but afterwards found it impossible to get support in the House to carry out the policy of the speech, such failure left them no alternative but to resign. But they retained office, trying to evade its responsibility, thereby violating responsible government in the false position they continued to hold. The Governor must have regarded such a state of things as worse than puerile, trifling with the dignity of their and his respective positions, and the wonder to me is how he could forbear even as long as he did. But the attempt to throw the obloquy on him is certainly beyond my comprehension. He in the very beginning, before the commencement of the session, informed the leader of the Government of his obligation and intention to fulfil the Queen's instructions, by insisting that action be taken on the Union or Confederation question. The clause on that subject, in his speech on opening the session, is irrefragable testimony of this. Some four weeks after the delivery of that speech it is rather late to say that he did not consult them on the subject. If they, unwilling to resign office, though unable to fulfil its responsibility, found themselves in a false position, it is certainly not only indelicate but unjust to try to put on the Queen's representative the odium of the position they occupied in violating responsible government. This state of the question you make very clear in your valuable speech, and I feel it a duty to lose not a moment in conveying to you my warmest thanks for it.

But it may be asked, why do I thus interest myself in a mere secular or political matter? I reply, because, independently of my interest in common with others in the integrity of our Government, the honour of its officers, and the general welfare of the country to be promoted by its measures, the honour and interests of the Catholic body have become so affected by side issues and circumstances connected with the discussion of this question, as well as the other one of Confederation, during the last year or two, that I feel it due to my people and to myself to give public expression to my opinions on the present occasion.

One of the leading newspapers of this Province, which has commented with grave injustice on the conduct of the Governor in the issue between him and his late advisers, is published and edited by a Catholic. Although this gentleman is a layman and his paper a secular newspaper, nevertheless it has come to be very generally regarded as the exponent of the feeling of the Catholic body, both lay and clerical, of this Province. The personal virtues and accomplishments of Mr. Anglin—his love of his religion and of his native land, the integrity of his private life, his genial amiability in social intercourse, his acknowledged ability as a writer and editor, combine to give a strength and effect to the influence of his newspaper throughout the extensive circle of his readers of all classes—but especially among Catholics and Irishmen. Everything said and written by such a man, or published with his approbation in his newspaper, bears a special importance and influence derived from the fame of its author. Should such a one err in the views he advocates, or the course he adopts—as sometimes happens to the best men—the injury he does is extensive, and can only be counteracted by extraordinary means. Now it is because I believe such extraordinary means to be necessary on the present occasion, that I feel it a sacred duty for the honour of the Catholic body to disclaim all approbation of or sympathy with the unjust and unbecoming censure of the Governor which for some time back appeared in the "St. John Freeman." Apart from the general respect which the representative of our most Gracious Queen claims from all classes in the Province, our present Governor, the Hon. A. H. Gordon, deserves, not only common justice, but the undying gratitude of the Catholics of this Province for his prompt, effective, manly, and honourable defence of them in his speeches at St. Andrews and Woodstock when their loyalty was impugned. On this occasion, when the terror of Fenian invasion and Fenian sympathy spread over the Province, when so many of our Protestant neighbours in the panic of the moment yielded credence to the absurd reports in circulation that all Catholics were Fenians, ready to rise suddenly on their Protestant neighbours, his Excellency Governor Gordon, with a promptitude and energy characteristic of him, sprang to the scene of trouble, and by his personal influence and official authority calmed the storm. It was owing to this well-timed act of gubernatorial justice, together with the happy influence exercised by the published letters of his Grace the Archbishop of Halifax, that this unfortunate bitter social persecution—mutual mistrust and mutual hatred—did not culminate to a melancholy point. If Mr. Anglin, by the general course he followed, both in politics and in his newspaper, did not contribute somewhat (though certainly unintentionally I admit) to excite this mutual bad feeling, he was in no small degree the occasion of it.

I thank you for the clear correct exposition of the true state of the constitutional question, by which you show his Excellency far from meriting the odium which Mr. Anglin would impose upon him. I regret exceedingly the public course this gentleman is pursuing in opposing so strenuously the policy of the British Government respecting these Colonies. His course is calculated to create and foster a spirit of discontent and disunion amongst our people and their neighbours; and retard the accomplishment of the measure, already regarded as inevitable, and certainly in my opinion essential to our future political and commercial prosperity. Were it not that, for the reasons mentioned above, this gentleman's influence amongst our people is so great to lead them into a wrong course where he errs himself, I would not think it necessary to make these allusions to him. But when, in addition to the influence he exerts in his paper, he now makes his first visit to Miramichi to interfere with our elections and by his personal presence and agitation divert our Catholic people from the course advised them by their local friends and guides, I lose all patience with him.

Need I say, in conclusion, that you have my best wishes for your success at the approaching election, and that the Government now formed may be sustained throughout the Province in order that the

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great measure of Union, both by political, commercial, and railroad intercourse and institutions may soon become an accomplished fact.

I have the honour to remain, dear Sir,
Very sincerely yours, &c.
+ JAMES ROGERS, Bishop of Chatham.

No. 25.

No. 25.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 49.)

Fredericton, June 5, 1866.
(Received, June 18, 1866.)
(Answered, No. 39, June 22, 1866, page 121.)

SIR,

I HAVE the honour to transmit to you a Return of the elections, so far as they have yet proceeded. I have sent the last three counties in blank to Major-General Doyle, by whom they will be filled up, after telegraphic communication with me, up to Thursday evening:—

Confederate.				Anti-Confederate.
4	-	-	Northumberland - - -	0
2	-	-	Carleton - - - -	0
2	-	-	Sunbury - - - -	0
2	-	-	Albert - - - - -	0
4	-	-	York - - - - -	0
0	-	-	Westmoreland - - -	4
4	-	-	St. John County - - -	0
2	-	-	St. John City - - -	0
2	-	-	Victoria - - - -	0
2	-	-	Queen's - - - -	0

I have, &c.
(Signed) ARTHUR H. GORDON,
Lieut.-Governor.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Halifax, June 7, 1866.

P.S.—Mr. Gordon, in his telegram, gives the total elected 26, but according to the numbers above it would appear to be 24 Confederates and 4 Anti-Confederates.

(Signed) HASTINGS DOYLE,
Major-General.

Encl. in No. 25.

Enclosure in No. 25.

Fredericton, June 7, 1866.
(Received at Halifax, June 7, 1866.)

To Major-General Doyle,

Please fill up Despatch as follows:—

Westmoreland, Confederates none, Anti-confederates four; St. John County, Confederates four, Anti-confederates none; Queen's County, Confederates two, Anti-confederates none; Victoria, Confederates two, Anti-confederates none; St. John's City, Confederates two, Anti-confederates none. Total yet elected, Confederates twenty-six, Anti-confederates four.

A. GORDON.

No. 26.

No. 26.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 50.)

Fredericton, N.B., June 13, 1866.
(Received, July 2, 1866.)
(Answered, No. 1, July 6, 1866, page 122.)

SIR,

THE elections terminated yesterday. The new House of Assembly is thus composed:—

In favour of Confederation - - - -	33
Against it - - - - - - -	8
Majority - - - -	25

2. I have to-day issued a proclamation calling the Legislature together for despatch of business on Thursday the 21st instant. NEW BRUNSWICK.

I have, &c.
(Signed) ARTHUR H. GORDON,
Lieut.-Governor.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

No. 27. No. 27.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 53.) Fredericton, June 21, 1866.
(Received July 14, 1866.)
(Answered No. 6, July 20, 1866, page 122.)

SIR,

I HAVE the honour to enclose herewith a copy of the Speech with which I this day opened the session of the Provincial Legislature.

I have, &c.
(Signed) ARTHUR H. GORDON.

Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure in No. 27. Encl. in No. 27.

EXTRACT from the SPEECH of his Excellency the Lieutenant-Governor on opening the Session.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,
MR. SPEAKER, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

THE Address of the Legislative Council to Her Majesty the Queen, on the subject of the Union of the British North American Provinces, agreed to during the last session, was duly transmitted by me to England to be laid at the foot of the Throne, and I am commanded to inform you that Her Majesty has been pleased to receive the same very graciously.

The adoption and the reception by me for transmission to Her Majesty of this Address, led to events which rendered it in my opinion expedient to dissolve the then existing General Assembly. I have now much satisfaction in resorting to your assistance and co-operation at the earliest possible moment; although I regret that it should be necessary to call you together at a period of the year which must, I fear, render your assembling a matter of much personal inconvenience to some among you.

Her Majesty's Government have already expressed their strong and deliberate opinion, that the Union of the British North American Provinces under one Government is an object much to be desired. The Legislatures of Canada and of Nova Scotia have formed the same judgment; and you will now shortly be invited to express your concurrence with or dissent from the view taken of this great question by those Provinces.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,
MR. SPEAKER, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

The question which you are now called together specially to consider is one of the most momentous ever submitted to a Colonial Legislature. Your deliberations will, I doubt not, be undertaken with a due sense of the importance of the interests they involve, and the solemn responsibilities which by your decision you incur, and will, I trust, be conducted with a sole view to the interests of the community at large. That the determination at which you arrive may be one calculated to promote the welfare and happiness, not of this Province only, but of all Her Majesty's subjects throughout the whole extent of the wide-spread dominions of the Queen on this Continent, is my earnest hope and prayer.

No. 28. No. 28.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 55.) Fredericton, N.B., June 23, 1866.
(Received July 14, 1866.)
(Answered No. 7, July 21, 1866, page 122.)

SIR,

I HAVE the honour to enclose the copy of a resolution moved this day by the Attorney-General in the House of Assembly.

I have, &c.
(Signed) ARTHUR H. GORDON.

Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

NEW BRUNSWICK.

Encl. in No. 28.

Enclosure in No. 28.

RESOLUTION of the House of Assembly.

June 30, 1866.

RESOLVED, That an humble Address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to appoint Delegates, to unite with Delegates from the other Provinces in arranging with the Imperial Government for the Union of British North America upon such terms as will secure the just rights and interests of New Brunswick, accompanied with provision for the immediate construction of the Intercolonial railway, each Province to have an equal voice in such delegation, Upper and Lower Canada to be considered as separate Provinces.

No. 29.

No. 29.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 56.) Fredericton, N. B., June 25, 1866.

(Received July 14, 1866.)

(Answered No. 6, July 20, 1866, page 122.)

SIR,

I HAVE the honour to enclose copies of the Addresses presented to me, in reply to my Speech at the opening of the Legislature, by the Legislative Council and the House of Assembly.

I have, &c.

Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) ARTHUR H. GORDON.

Encl. 1 in No. 29.

Enclosure 1 in No. 29.

(Extract).

To his Excellency the Hon. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c., &c., &c.

The Address of Her Majesty's Legislative Council in General Assembly.

May it please your Excellency,

WE thank your Excellency for the speech with which you have been pleased to open the present session of the Legislature.

We are gratified to learn that Her Majesty was pleased to receive very graciously the Address of the Legislative Council on the subject of the Union of the British North American Provinces, agreed to during the late session.

It is satisfactory to learn, that the adoption and reception by your Excellency of that Address led to events which rendered it expedient to dissolve the then existing General Assembly, and most gratifying to believe that the country have sustained that conclusion; and although we unite with your Excellency in regretting that it should have been necessary to call the Assembly together at a season that may cause personal inconvenience to some of us, we rejoice to have the opportunity of aiding by our counsel and co-operation in the consummation of those national objects which have led to our meeting.

We learn with satisfaction that Her Majesty's Government have already expressed their strong and deliberate conviction that the Union of the British American Provinces under one government is an object much to be desired, and that the Legislatures of Canada and Nova Scotia having passed the same judgment, we will shortly be called upon to express our concurrence with or dissent from the view taken of this great question by those Provinces, and we confidently look forward to a similar decision here.

* * * * *

We agree with your Excellency in believing that the question of the Union of the British North American Provinces, which we are now called upon specially to consider, and the principle of which the people of this Province have so unmistakeably sustained, is one of the most momentous ever submitted to a Colonial Legislature, and we trust that we shall approach its consideration with a clear sense of the importance of the issues involved, and the solemn responsibilities which by our decision we may incur; and we hope and believe that the trust expressed by your Excellency that our deliberations may be conducted with a sole view to the interests of the country at large may be realized, and that the conclusion at which we may arrive may be one calculated to promote the welfare and happiness not of this Province only, but of all Her Majesty's subjects throughout the whole extent of Her Majesty's dominions on this Continent.

Enclosure 2 in No. 29.

NEW BRUNSWICK.

(Extract)

Encl. 2 in No. 29.

To his Excellency the Hon. ARTHUR HAMILTON GORDON, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c., &c., &c.

The humble Address of the House of Assembly.

May it please your Excellency,

WE, Her Majesty's faithful subjects, the Commons of New Brunswick, thank your Excellency for your speech at the opening of the present session.

We learn with pleasure that Her Majesty the Queen graciously received the Address of the Legislative Council on the subject of the Union of the British North American Provinces, transmitted to England by your Excellency.

We agree with your Excellency that the adoption and reception by your Excellency for transmission to Her Majesty of this Address on the subject of the Union, led to events which rendered it expedient to dissolve the late General Assembly, and we believe that the constituencies of the Province have justified the course adopted by your Excellency. Although an inconvenient season of the year for the discharge of Legislative duties, we will, nevertheless, cheerfully co-operate with your Excellency in the transaction of such business and the perfecting of such measures as the public interest demands.

We know that Her Majesty's Government have expressed a strong and deliberate opinion that the Union of the British North American Provinces is an object much to be desired, and that the Legislature of Canada and of Nova Scotia concur in this view, and your Excellency may rely with confidence on our cordial co-operation to accomplish that object.

* * * *

We agree with your Excellency in the opinion that the question of the Union of the British North American Provinces, upon which, by the elections just terminated, the people of New Brunswick have recently expressed so strong an opinion, and which your Excellency has called us together to consider, is the most momentous ever submitted to a Colonial Legislature. We shall approach the consideration of the question with a due sense of the importance of the issues involved, and the solemn responsibility devolving upon us as representatives of a free people. Our deliberations shall be conducted with a single view to the promotion of their interests, and we fervently pray that our determination may be calculated to promote the welfare and happiness of all Her Majesty's subjects in the widespread dominions of the Queen on this Continent.

No. 30.

No. 30.

Copy of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 59.) Camp of Instruction, Torryburn, near St. John, New Brunswick, July 2, 1866.

(Received July 14, 1866.)

SIR, (Answered No. 7, July 21, 1866, page 122.)

I HAVE the honour to inform you that the Resolution, of which a copy was enclosed in my Despatch No. 55* of the 23rd ult., has been adopted by the House of Assembly with only eight dissentient voices. * Page 111.

I have, &c.

Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR H. GORDON.

No. 31.

No. 31.

Copy of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 61.) Fredericton, N.B., July 9, 1866.

(Received July 28, 1866.)

SIR, (Answered No. 10, August 1, 1866, page 123.)

I HAVE the honour to enclose for your information the copy of the Speech with which I this day closed the session of the Provincial Legislature.

I have, &c.

Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) ARTHUR GORDON.

NEW BRUNSWICK.

SPEECH.

Extract.

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I have learnt with much satisfaction that the opinion so strongly expressed by Her Majesty's Government as to the expediency of a closer union between the British North American Provinces has now received the concurrence of both branches of the Provincial Legislature.

It is my intention, in accordance with the wishes of the House of Assembly, shortly to appoint delegates, who in conjunction with delegates from the other Provinces of British America will arrange with Her Majesty's Government the details of an Act, which, as requested by the address of the Legislative Council to Her Majesty the Queen, adopted in April last, will be introduced into the Imperial Parliament for the purpose of effecting the desired union.

No. 32.

No. 32.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. the SECRETARY OF STATE FOR THE COLONIES.

(No. 62.) Fredericton, N.B., July 16, 1866.

(Received, July 28, 1866.)

SIR, (Answered, No. 12, August 2, 1866, page 123.)

THE Session of the Provincial Legislature was closed by me on the 9th instant after lasting for 18 days. During that time 39 Acts were passed, but few of which besides the Act for suspending the operation of the Habeas Corpus Act which was sent to you in my Despatch, No. 57, of 28th June, are of any but local interest.

2. In the Legislative Council, where, as also in the House of Assembly, the Government had a large majority of supporters, few questions of any interest were debated.

* Page 111. 3. In the House of Assembly the resolution (enclosed in my Despatch, No. 55,* of 23rd ultimo) authorizing the appointment of Delegates to arrange with the Imperial Government the terms of the union of the British North American Colonies was introduced by the Attorney General on the 26th ultimo. Mr. Smith, the leader of the late Government, moved to add to this resolution the following words:—"That no Act or "measure for such union shall have force or effect in New Brunswick, until it shall be "approved by the legislature or people of this Province." For this amendment only eight votes were recorded.

Enclosure 1. 4. On the 3rd July Mr. Smith moved the resolution of which a copy is herein enslosed.

Enclosure 2. To this the Attorney General moved an amendment, of which also a copy is enclosed. This amendment was carried on the following day, eight votes as before, being recorded in favour of Mr. Smith's motion.

5. The whole question seems to have lost much of its interest, and it cannot be said that there is the slightest agitation or excitement on the subject, indeed its final settlement seems to be regarded with the utmost indifference and apathy, and the debates in the Assembly were, I am told, entirely wanting in animation or interest.

I have, &c.

(Signed) ARTHUR GORDON.

The Right Hon. the Secretary of State for the Colonies.

&c. &c. &c.

Encl. 1 in No. 32.

Enclosure 1 in No. 32.

RESOLUTION moved by Mr. A. J. SMITH in the House of Assembly, July 3, 1866.

Whereas the House, on the 30th day of June last, passed the following resolution, viz.:—

"Resolved that an humble address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to appoint Delegates to unite with Delegates from the other Provinces in arranging with the Imperial Government for the Union of British North America upon such terms as will secure the just rights and interests of New Brunswick, accompanied with provision for the immediate construction of the Intercolonial Railway, each Province to have an equal voice in such Delegation, Upper and Lower Canada to be considered as separate Provinces."

And whereas the authority given to the Delegates by said resolution authorizes them to accept the Quebec Scheme (so called) or even one more prejudicial to the interests of the people of this Province; and whereas, in view of the transcendent importance of the subject, it is desirable that the opinion of

this House in reference to such scheme should be expressed for the information and guidance of such Delegates in the preparation of any measure for the union of British North America; therefore—

Resolved, as the deliberate opinion of this House that no measure for such union should be adopted which does not contain the following provisions:—

1st. An equal number of legislative councillors for each Province.

2nd. Such legislative councillors to be required to reside in the Province which they represent, and for which they are appointed.

3rd. The number of representatives in the Federal Parliament to be limited.

4th. The establishment of a court for the determination of questions and disputes that may arise between the Federal and Local Governments as to the meaning of the Act of Union.

5th. Exemption of this Province from taxation for the construction and enlargement of canals in Upper Canada, and for the payment of any money for the mines and minerals and lands of Newfoundland.

6th. Eighty cents per head to be on the population as it increases, and not to be confined to the census of 1861.

7th. Securing to each of the Maritime Provinces the right to have at least one executive councillor in the Federal Government.

8th. The commencing of the Intercolonial Railway before the right shall exist to increase taxation upon the people of this Province.

AMENDMENT to MR. SMITH'S RESOLUTION of July 3, moved by Hon. the Attorney-General, July 3rd.

To expunge the whole of the above resolution and preambles, and substitute as follows:—

Resolved that the people of this Province having, after due deliberation, determined that a union of British North America was desirable, and the House having agreed to request his Excellency the Lieutenant-Governor to appoint Delegates for the purpose of settling the plan of union upon such terms as will secure the just rights of New Brunswick, and having confidence that the action of his Excellency, under the advice of his constitutional advisers, will be directed to the attainment of that end, sound policy and a due regard to the interest of the Province, require that the responsibility of such action should be left unfettered by any expression of opinion other than what has already been given by the people and their representatives.

No. 33. No 33.

COPY of a DESPATCH from Lieut.-Governor the Hon. ARTHUR GORDON to the Right Hon. the SECRETARY OF STATE FOR THE COLONIES.

(No. 63.) Fredericton, N.B., July 16, 1866.

(Received, July 28, 1866.)

SIR, (Answered, No. 11, August 1, 1866, page 123.)

I HAVE the honour to inform you that in compliance with a Resolution of the House of Assembly (a copy of which was transmitted to you in my Despatch, No. 55,* of the 23rd ultimo), I have appointed the following gentlemen delegates from this province to confer with Her Majesty's Government on the subject of the union of the British North American Colonies:—Hon. Peter Mitchell, President of the Executive Council; Hon. Samuel Leonard Tilley, Provincial Secretary; Hon. Charles Fisher, Attorney General; Hon. Robert Duncan Wilmot, M.P.P., Member of the Executive Council; Hon. Edward B. Chandler, M.L.C.; and John M. Johnson, Esq., M.P.P.

* Page 111.

I have, &c.

(Signed) ARTHUR GORDON.

To the Right Hon. the Secretary of State for the Colonies,

&c. &c. &c.

NEW BRUNSWICK.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 53.)

* Page 88.

SIR, Downing Street, February 27, 1865.

I HAVE the honour to acknowledge your Despatch, No. 12,* of 30th of January, accompanied by a copy of the Report of the Conference appointed to consider the question of the Union of the three Maritime Provinces of British North America.

I have, &c.

Lieut-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 54.)

* Page 85.

SIR, Downing Street, February 27, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 9,* of the 30th of January, reporting that you had accepted Mr. G. L. Hatheway's resignation of his seat in the Executive Council, and of his office of Chief Commissioner of the Board of Works.

I have, &c.

Lieut-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 60.)

* Page 88.

SIR, Downing Street, March 18, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 23,* of the 27th of February, in which you request instructions whether provision will be made for the completion of the Intercolonial Railway in the Act of Union, or be embodied by the Imperial Parliament in a separate Act.

In reply I have to acquaint you that Her Majesty's Government have expressed their cordial approval of the proceedings of the Conference at Quebec, and have engaged that if, as they hope, the Provincial Legislatures sanction the scheme of the Conference they on their part will submit to the Imperial Parliament the measures which may be necessary for carrying that scheme into effect.

Of the Resolutions adopted by the Conference the 68th provides that the General Government shall secure, without delay, the completion of the Intercolonial Railway.

Her Majesty's Government have understood that Resolution, with reference to the correspondence which had previously passed with the Governments of the several Provinces. While, therefore, they have entered into no new stipulation on the subject, they have by no means excepted the 68th resolution, from the general approval which they have expressed of the entire scheme, or from the engagement respecting it to which I have above referred.

What steps it may be proper hereafter for Her Majesty's Government to take in pursuance of this engagement cannot be stated positively until it shall be known what course has been taken by the Provincial Legislatures, and until Her Majesty's Government shall have received the communications which they hope to receive from persons deputed by the Governor-General to give to Her Majesty's Government the benefit of their counsel upon the various measures necessary for carrying the Resolutions of the Conference into effect.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 4. No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 65.)

SIR, Downing Street, April 1, 1865.

I HAVE the honour to acknowledge the receipt of your Despatches, Nos. 24* of the 6th, and 25* of the 13th of March, reporting the result of the elections in New Brunswick. * Pages 89 and 90

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 5. No. 5.

EXTRACT from a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 66.)

SIR, Downing Street, April 12, 1865.

I HAVE received by this mail your two Despatches numbered 30* and 31. * Page 92.

The first informs me that the elections for the Legislative Assembly have terminated, and that 9 members have been elected favourable to the scheme of Confederation, 28 unfavourable, and 4 doubtful; and that the members of your Executive Council have resigned their offices.

It thus appears that the scheme adopted by the Conference at Quebec, and approved by Her Majesty's Government, on the ground, among others, that it was eminently calculated to render easier and more effectual the provisions for the defence of the several Provinces, is likely to be rejected by New Brunswick.

* * * * *

It will be the duty of Her Majesty's Government to review in all its bearings the question of Confederation, after the several Provinces shall have had the opportunity of expressing their sentiments upon it, through their respective Legislatures. In the meantime it will only be right for New Brunswick to bear in mind, that if the views which you have now expressed are to be regarded as sound, New Brunswick, as a separate Province, appears to be able to make no adequate provision for its own defence, and to rest in a very great degree upon the defence which may be provided for it by this country. It will, consequently, be likely to appear to your Advisers reasonable and wise that, in examining the question of the proposed Union they should attach great weight to the views and wishes of this country, and to the reasons on which those views and wishes have been based.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 6. No. 6.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon ARTHUR GORDON.

(No. 67.)

SIR, Downing Street, April 13, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 29,* of the 27th of March last, enclosing a copy of the Report submitted to you by the Delegates appointed to attend the Conference held at Quebec in October last. * Page 91.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

NEW BRUNSWICK.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 76.)

SIR, Downing Street, May 27, 1865.

* Page 92. I HAVE the honour to acknowledge the receipt of your Despatch, No. 39,* of the 27th April, enclosing a copy of the speech with which you opened the present session of the Provincial Legislature.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 78.)

SIR, Downing Street, May 27, 1865.

* Page 92. I HAVE the honour to acknowledge the receipt of your Despatch, No. 41,* of the 8th of May, enclosing copies of the respective Addresses presented to you by the Legislative Council and House of Assembly, on the occasion of the opening of the session.

I approve of the nature of the reply which you inform me that you returned to the Address of the House of Assembly.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 81.)

SIR, Downing Street, June 24, 1865.

Vide Papers presented 7 Feb. 1865. I HAVE the honour to transmit to you the copy of a correspondence between Viscount Monck and myself, on the affairs of British North America, which have lately formed the subject of conferences between Her Majesty's Government and a deputation from the Canadian Government.

This correspondence having been presented to both Houses of the Imperial Parliament by command of Her Majesty, I have to direct you to communicate it also to the Legislature of New Brunswick at its next meeting.

You will at the same time express the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one Government. In the territorial extent of Canada, and in the maritime and commercial enterprise of the lower Provinces, Her Majesty's Government see the elements of power which only require to be combined in order to secure for the Province which shall possess them all a place among the most considerable communities of the world. In the spirit of loyalty to the British crown, of attachment to British connexion, and of love for British institutions, by which all the Provinces are animated alike, Her Majesty's Government recognize the bond by which all may be combined under one Government. Such an Union seems to Her Majesty's Government to recommend itself to the Provinces, on many grounds of moral and material advantage, as giving a well-founded prospect of improved administration and increased prosperity. But there is one consideration which Her Majesty's Government feel it more especially their duty to press upon the Legislature of New Brunswick. Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern, the Colonies must recognize a right and even acknowledge an obligation incumbent on the Home Government to urge with earnestness and just authority the measures which they consider to be most expedient on the part of the Colonies, with a view to their own defence. Nor can it be doubtful that the Provinces of British North America are incapable, when separate and divided from each other, of making those just and sufficient preparations for national defence, which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole.

I am aware that this project, so novel as well as so important, has not been at once accepted in New Brunswick with that cordiality which has marked its acceptance by the Legislature of Canada; but Her Majesty's Government trust that after a full and careful examination of the subject in all its bearings the Maritime Provinces will perceive the great advantages which in the opinion of Her Majesty's Government, the proposed Union is calculated to confer upon them all.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 10.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 82.)

Sir, Downing Street, June 24, 1865.

I have the honour to acknowledge the receipt of your Despatch No. 48,* of the 5th instant, enclosing a copy of a Resolution moved in the House of Assembly proposing the appointment of a Delegation to proceed to this country to make known to Her Majesty's Government the views entertained by the Government and people of New Brunswick on the subject of the proposed Union of the British North American Provinces. * Page 95.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 11.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 83.)

Sir, Downing Street, June 24, 1865.

I have the honour to acknowledge the receipt of your Despatch No. 47*, of the 5th instant, enclosing copy of an Address from the House of Assembly of New Brunswick, and of your reply relative to the appointment of Delegates to confer with a Delegation to be nominated by the Governments of Nova Scotia and Prince Edward Island on the subject of the Union of the Maritime Provinces of British North America. * Page 94.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 12.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 91.)

Sir, Downing Street, August 4, 1865.

I have received your Despatch No. 58,* of the 15th of July, in answer to mine of the 24th of June. * Page 99.

It might perhaps have been well that that portion of the Executive Council who are in New Brunswick should have allowed the communication made to the Colony by Her Majesty's Government to be generally known and considered in the Colony before they returned so decided a reply.

The first paragraph of the Minute seems to me to require no other notice than the observation that my Despatch enclosed for the information of the Legislature of New Brunswick the record of what had passed between Her Majesty's Government and the Ministers of Canada on the subject of Confederation; and it was therefore impossible for any one to misunderstand the reference, or to suppose that it applied to another and a different scheme.

NEW BRUNSWICK.

Notwithstanding, therefore, your Despatch and its enclosure, I still confidently anticipate that the serious consideration of the Province of New Brunswick will be given to the earnest and friendly suggestions which on the part of Her Majesty's Government it has been my duty to convey to them through you.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 13.

No. 13.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 115.)

SIR, Downing Street, December 7, 1865.

* Page 100. I HAVE the honour to acknowledge the receipt of your Despatch No.* 83, of the 6th November, reporting the probable election of Mr. Fisher for the county of York.

† Page 102 I have also received your further Despatch No. 84†, of the 20th November, stating that Mr. Fisher had been returned.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 14.

No. 14.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No 11.)

SIR, Downing Street, March 31, 1866.

* Page 103. I HAVE the honour to acknowledge the receipt of your Despatch, No. 12,* of the 14th of March.

I have perused with much satisfaction the paragraph of the Address which you enclose, expressing the strong opinion of the Legislative Council in favour of the Union of the British North American Provinces.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 15.

No. 15.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 16.)

SIR, Downing Street, April 14, 1866.

* Page 103. I HAVE the honour to acknowledge the receipt of your Despatch No. 15*a*,* of the 26th ult., transmitting a copy of the Address of the Legislative Council of New Brunswick, in reply to your speech at the opening of the session.

I learn with satisfaction the favourable view taken by the Legislative Council of the proposed Union of the British North American Provinces.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 16.

No. 16.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 19.)

SIR, Downing Street, April 28, 1866.

* Page 104. I HAVE the honour to acknowledge the receipt of your Despatch No. 17,* of the 3d of April, enclosing the Address of the Legislative Council, in answer to your speech on the

opening of the session, together with your reply to it; and I have already expressed in my Despatch No. 16, of the 14th inst., the satisfaction with which I learnt the favourable view taken by the Legislative Council of the proposed Union of the British North American Provinces.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 17.

No. 17.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 20.)

Sir, Downing Street, April 28, 1866.

I have the honour to acknowledge the receipt of your Despatch No. 18,* of the 9th of April, enclosing an Address to the Queen, from the Legislative Council of New Brunswick, praying that Her Majesty will be pleased to cause a measure to be submitted to the Imperial Legislature for the purpose of uniting the British North American Colonies under one government, and of your reply. * Page 104.

I have to request that you will acquaint the Council that I have laid their Address before the Queen, and that Her Majesty was pleased to receive it very graciously.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 18.

No. 18.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 38.)

Sir, Downing Street, June 22, 1866.

I have the honour to acknowledge the receipt of your Despatch No. 44,* of the 4th June, enclosing two letters recently written by the Roman Catholic Bishop of Chatham, in which he expresses his opinion in favour of the proposed Confederation of the British North American Provinces. * Page 107.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 19.

No. 19.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 39.)

Sir, Downing Street, June 22, 1866.

I have the honour to acknowledge the receipt of your Despatch No. 49,* of 5th June, stating the result, so far as it has yet been determined, of the general election now taking place in New Brunswick. * Page 110.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

New Brunswick.

No. 20.

No. 20.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Lieut.-Governor the Hon. Arthur Gordon.

(No. 40.)

Sir, Downing Street, June 22, 1866.

* Page 106. I have the honour to acknowledge the receipt of your Despatch, No. 41,* of the 4th June, respecting the general election of members of the House of Assembly now taking place in New Brunswick.

I have, &c.

Lieut.-Governor the Hon. A. Gordon, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 21.

No. 21.

Copy of a DESPATCH from the Earl of Carnarvon to Lieut.-Governor the Hon. Arthur Gordon.

(No. 1.)

Sir, Downing Street, July 6, 1866.

* Page 110. I have the honour to acknowledge the receipt of your Despatch, No. 50,* of the 13th June, reporting the termination of the elections for the new House of Assembly in New Brunswick, and informing me that you have called the Legislature together for despatch of business on Thursday, the 21st of June last.

I have, &c.

Lieut.-Governor the Hon. Arthur Gordon, &c. &c. &c. (Signed) CARNARVON.

No. 22.

No. 22.

Copy of a DESPATCH from the Earl of Carnarvon to Lieut.-Governor the Hon. Arthur Gordon.

(No. 6.)

Sir, Downing Street, July 20, 1866.

* Pages 111 and 112. I have the honour to acknowledge the receipt of your Despatches dated the 21st and 25th June, Nos. 53 and 56,* enclosing copies of the Speech with which you opened the present session of the New Brunswick Legislature, and of the Addresses which you received in reply.

I have, &c.

Lieut.-Governor the Hon. Arthur Gordon, &c. &c. &c. (Signed) CARNARVON.

No. 23.

No. 23.

Copy of a DESPATCH from the Earl of Carnarvon to Lieut.-Governor the Hon. Arthur Gordon.

(No. 7.)

Sir, Downing Street, July 21, 1866.

* Pages 111 and 113. I have the honour to acknowledge the receipt of your Despatches No. 55 and 59,* of the 23rd June and 2nd of July respectively, from which I learn that a Resolution authorizing the appointment of Delegates to treat with the Home Government for the Union of the British North American Provinces has been adopted by the House of Assembly with only eight dissentient voices. I receive this intelligence with much satisfaction.

I have, &c.

Lieut.-Governor the Hon. Arthur Gordon. &c. &c. &c. (Signed) CARNARVON.

No. 24.

No. 24.

COPY of a DESPATCH from the Earl of CARNARVON to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 10.)

SIR, Downing Street, August 1, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 61,* of the 9th July, enclosing a copy of the Speech with which you closed the recent session of the Legislature of New Brunswick. * Page 113.

I have, &c.

Lieut.-Governor the Hon. Arthur Gordon, &c. &c. &c. (Signed) CARNARVON.

No. 25.

No. 25.

COPY of a DESPATCH from the Earl of CARNARVON to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 11.)

SIR, Downing Street, August 1, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 63,* of the 16th July, reporting that you have appointed the Honourable Messrs. Mitchell, Tilley, Fisher, Wilmot, Chandler, and Johnson, to be the Delegates from New Brunswick to confer with Her Majesty's Government on the subject of the union of the British North American Provinces. * Page 115.

I have, &c.

Lieut.-Governor the Hon. Arthur Gordon, &c. &c. &c. (Signed) CARNARVON.

No. 26.

No. 26.

COPY of a DESPATCH from the Earl of CARNARVON to Lieut.-Governor the Hon. ARTHUR GORDON.

(No. 12.)

SIR, Downing Street, August 2, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 62,* of the 16th July, reporting the proceedings of the Legislature of New Brunswick during its recent session. * Page 114.

I have, &c.

Lieut.-Governor the Hon. Arthur Gordon. &c. &c. &c. (Signed) CARNARVON.

PRINCE EDWARD ISLAND.

PRINCE EDWARD ISLAND.

Despatches from the Lieutenant-Governor.

No. 1.

No. 1.

COPY of a DESPATCH from Lieut.-Governor DUNDAS to the Right Hon. EDWARD CARDWELL, M.P.

(No. 85.) Government House, December 30, 1864.

SIR, (Received January 17, 1865.)

I HAVE the honour to acknowledge the receipt of your Despatch No. 29 of 8th December 1864, enclosing copy of a Despatch* addressed to the Governor General of Canada, upon the Resolutions of the Conference which recently assembled at Quebec to consider the subject of Federation.

*No. 93. Dec. 3, 1864, printed in Papers presented 7th February 1865. page 11.

In accordance with the wishes of Her Majesty's Government, I shall, in concert with the Governor General, take steps for submitting to the Provincial Legislature the project of the Conference.

I enclose a short article from the "Islander" of this day's date, a local newspaper which has up to this time strongly advocated the proposed Union: this article declares the feeling of the Colony to be decidedly opposed to the project of the Quebec Conference. I may add, that from personal observation, I am convinced that such is the present state of public opinion on this subject.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) GEORGE DUNDAS, Lieut.-Governor.

Encl. in No. 1.

Enclosure in No. 1.

EXTRACT from "ISLANDER" NEWSPAPER, 30th December 1864.

The year 1864 will live in history as the epoch of Confederation—the year in which, in our little town, assembled the leading minds of the British North American Colonies, and entered upon the discussion of the great question of a Confederation of the several Provinces, which resulted in the Quebec Conference, and the adoption of the Resolutions which are to form the basis of a Confederation destined at no very distant day to constitute one of the greatest nations of the earth.

The expense of the Conference will be complained of by some in the Lower Provinces, especially in this Island, where the great majority of the people appear to be wholly averse to Confederation. Let our people bear in mind, that if no other benefits should result from the Conference than those which will flow from the interchange of sentiments between the leading statesmen of the several Provinces, and the wide dissemination of information relating to the Colonies, consequent upon the publication in all parts of Europe of the speeches delivered by the delegates, they, in common with the people of the several Colonies, will be amply repaid.

For years past the statesmen of the several Provinces have been impressed with the desirability of a general meeting for the purpose of discussing matters relating to the Provinces generally. No occasion other than the Conferences of 1864 could have brought together the men who met in Charlottetown and at Quebec. They were men of very different politics—members of Governments and members of Oppositions, not a few of whom had for years been mutually opposed the one to the other, often in contests savouring too much of personal feeling; they met, and displaying a common spirit of conciliation, compromise, and concession, and actuated by one common desire, that of advancing the general interest of their common country. Well may the Press of England express satisfaction at the unanimity and good feeling which characterized the proceedings of the Conference. The unseemly differences, which are too often witnessed in the Colonies, were unknown in the Conferences, the proceedings of which evidence ability and enlightened statesmanship, such as our transatlantic friends did not expect to find among Colonists. Prince Edward Island may not accept the offer of Confederation with her great and flourishing neighbours; the refusal to do so will injure Prince Edward Island alone, and will not at all affect the grand question. We have done our duty. We have urged Confederation—the people have declared against it; and, by-and-by, when in Prince Edward Island the desire for Confederation shall be as loudly expressed as to-day is expressed the desire to avoid it, and that hour we predict will come, we shall have our reward.

No. 2.

No. 2.

COPY of a DESPATCH from Lieut.-Governor DUNDAS to the Right Hon. EDWARD CARDWELL, M.P.

(No. 4.) Government House, January 9, 1865.
(Received January 31, 1865.)
(Answered No. 3, Feb. 4, 1865, page 135.)

SIR,

REFERRING to your Despatch, No. 29, of the 8th ultimo, I have the honour to enclose copy of a Despatch from the Governor General, respecting the proposed Federation, and my reply thereto.

I have suggested the 28th of February for the meeting of the Legislature of this Island. I have, however, informed Lord Monck that I am prepared to summon it sooner if he considers it expedient.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) GEORGE DUNDAS, Lieut.-Governor.

Enclosure in No. 2. Encl. in No. 2.

Governor Lord MONCK to Lieutenant-Governor DUNDAS.

Government House, Quebec, December 23, 1864.

This Despatch will be found printed at page 2.

Lieutenant-Governor DUNDAS to Governor Lord MONCK.

Government House, Prince Edward Island, January 9, 1865.

This Despatch will be found printed at page 5.

No. 3. No. 3.

COPY of a DESPATCH from Lieut.-Governor DUNDAS to the Right Hon. EDWARD CARDWELL, M.P.

(No. 27.) Government House, April 3, 1865.
(Received April 24, 1865.)
(Answered No. 22, April 29, 1865, page 135.)

SIR,

1. I HAVE been requested by the Legislative Council and the House of Assembly to forward the enclosed Address to Her Majesty the Queen, respecting the proposed Confederation of the British North American Provinces upon the terms adopted at the Quebec Conference.

2. The prayer of this Address is that Her Majesty will be graciously "pleased not to "give Her Royal assent or sanction to any Act or measure founded upon the Resolutions "or Report of the said Conference, or otherwise, that would have the effect of uniting "Prince Edward Island in a Federal Union with Canada, or any other of Her Majesty's "Provinces in America."

3. In accordance with the instructions conveyed to me in your Despatch, No. 29, of 8th December 1864, I submitted to the local Legislature during the late session the project of the Quebec Conference.

4. The Legislative Council without a division passed resolutions disagreeing to the proposed Union; copy of these resolutions is herein enclosed.

5. In the House of Assembly, Mr. Henry William Pope, the Colonial Secretary, moved Resolutions in favour of Union; Mr. James C. Pope, the President of the Executive Council, moved an amendment condemnatory of the proposed scheme.

6. The amendment was carried by a majority of eighteen, the numbers being—

For the amendment - - -	23
Against it - - - -	5

7. Copies of the Resolutions moved by the Colonial Secretary, and of the amendment, are also enclosed.

8. The joint Address to Her Majesty, which I have the honour to enclose, was thereupon passed by both branches of the Legislature.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) GEORGE DUNDAS, Lieut.-Governor.

PRINCE EDWARD ISLAND.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's loyal and faithful servants, the Legislative Council and House of Assembly of Prince Edward Island, having had under our consideration the resolutions or report of the Conference of delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the city of Quebec on the 10th October 1864, upon the subject of a proposed Confederation of those Provinces and Colonies, and the Despatch of the Right Honourable Edward Cardwell, Your Majesty's Principal Secretary of State for the Colonial Department, to Lord Viscount Monck, Governor-General of Canada, dated the 3rd December 1864, *relative thereto, humbly beg leave to approach Your Majesty's throne, for the purpose of conveying to Your august Majesty the expression of our desire and determination, as the constitutional representatives of the people of Prince Edward Island, in regard to the great question involved in the said report; and having after most mature deliberation arrived at the conclusion that the proposed Confederation, in so far as it is contemplated to embrace Prince Edward Island, would prove disastrous to the best interests and future prosperity of this Colony, we would humbly crave leave to state the grounds upon which that conclusion is based.

* Vide Papers presented 7 Feb. 1865, p. 11.

First.—Prince Edward Island, being entirely dependent on its agriculture and fisheries, has no staple commodity to export for which Canada can furnish a market (Canada being also essentially an agricultural country, and possessing valuable and extensive fisheries in the Gulf of St. Lawrence). That while such is, and ever must be, the relative commercial position of this Island and Canada, the products of our soil and fisheries, find in the extensive markets of our parent country, the United States, and the West Indies ready and profitable customers. That the proposed Union, while admitting the produce and manufactures of Canada into this Island free, would, by assimilation of taxes, enormously increase the duty to which those of Great Britain and the United States are at present subject in this Island, thereby compelling this Colony to take a large portion of its imports from Canada, making payment therefor in money, instead of procuring them from countries which would receive our produce in exchange, an arrangement so inconsistent with the fundamental principles of commerce that it would not only greatly curtail our commercial intercourse with Great Britain and the United States, but materially diminish our exports to those countries, and prove most injurious to the agricultural and commercial interests of this Island.

Second.—That if the relative circumstances of Canada and this Island rendered a Union practicable, the evident injustice of the terms agreed to by the Quebec Conference would prevent their being ratified by this Island. Without entering into full detail on this branch of the subject, or adverting to the fact that by the proposed terms of the Confederation we are called upon to transfer to the Confederate exchequer a steadily increasing revenue, and that too under our comparatively low tariff, for a fixed and settled annual subsidy of a greatly diminished amount, we would briefly notice some of the objectionable features of the said report.

And first in reference to the fundamental principle upon which the Confederation is proposed to rest, namely, representation according to population. Without admitting this principle under all circumstances to be sound or just, we consider it to be particularly objectionable as applied to this Island in connexion with Canada, from the fact that the number of our inhabitants is and must continue comparatively small, in consequence of this Island possessing no Crown lands, mines, or minerals, or other extraneous resources, and that we never can expect to become, to any great extent, a manufacturing people, by reason of our navigation being closed for nearly half the year, and all trade, and even communication with other countries (except by telegraph and the medium of a fragile ice-boat) stopped. And when we consider the provision of the said report which is intended to regulate the mode of re-adjusting the relative representation of the various Provinces at each decennial census, and reflect upon the rapid rate of increase in the population of Upper and Lower Canada, particularly the former, heretofore, and the certainty of a still greater increase therein in the future over that of the population of this Island, it follows, as a certain and inevitable consequence, if a Federation of the Provinces were consummated upon the basis of the said report, that the number of our representatives in the Federal Parliament would, in the course of a comparatively short number of years, be diminished to a still smaller number than that proposed to be allotted to us at the commencement of the Union.

Third.—In further noticing the injustice of the terms of the said report, as applicable to us, we would advert to the old imperial policy, so pregnant with ill consequences to us, by which all the lands in this Colony were granted in large tracts to absentees, and which deprives this Island of the revenue drawn by the sister colonies from these sources,—to our insular position and numerous harbours, furnishing cheap and convenient water communication, which render expensive public works here unnecessary,—to the revenue to be drawn by the proposed Federal Government from this Island and expended among the people of Canada and the other Provinces in constructing railways, canals, and other great public works, thereby creating a trade which would build up cities and enhance the value of property in various parts of those Provinces, advantages in which this Island could enjoy a very small participation;—and to our complete isolation during five months of the year, when ice interrupts our trade and communication with the mainland, and during which period this Island could derive no possible benefit from the railroads and other public works which they would equally with the people of those Provinces be taxed to construct. These and many other circumstances placing Prince Edward Island in an exceptional position in regard to the other Provinces, but which seem to have been entirely ignored, ought, in our opinion, to have produced an offer of a financial arrangement for this Island very different in its terms from that contained in the report of the said Conference.

Fourth.—That while we fully recognize it to be the duty of this Colony to use every means, to the extent of its limited resources, to aid in defending its inhabitants from foreign invasion, we cannot recognize the necessity of uniting in a Confederation with Canada for the purpose of defence upon terms, which, in other respects, are so unfair to the people of Prince Edward Island, and thereby

PRINCE EDWARD ISLAND.

sacrificing our commercial and financial interests for the sake of securing the co-operation of Canada in a military point of view, it being our abiding hope and conviction, that so long as we remain a loyal and attached Colony of Great Britain, under whose protecting sway and benign influence we have so long had the happiness to live, and endeavour to aid, by a reasonable contribution towards the defence of our Colony, by placing our militia service upon a sounder and safer footing than it has hitherto attained, the powerful aid of our mother country will continue, as heretofore, to be extended to us in common with the other North American dependencies of the British Crown. For the foregoing reasons, and many others which we could urge, we beg most humbly and respectfully to state to Your Majesty that we, the representatives of Your faithful subjects, the people of Prince Edward Island, in Colonial Parliament now assembled, do disagree to the recommendations contained in the said report of the Quebec Conference, and on the part of Prince Edward Island do emphatically decline a Union, which after the most serious and careful consideration, we believe would prove politically, commercially, and financially disastrous to the rights and best interests of its people.

We do, therefore, most humbly pray that Your Majesty will be graciously pleased not to give Your Royal assent or sanction to any Act or measure founded upon the resolutions or report of the said Conference, or otherwise, that would have the effect of uniting Prince Edward Island in a Federal Union with Canada, or any other of Your Majesty's Provinces in America.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

PRINCE EDWARD ISLAND, LEGISLATIVE COUNCIL.

WHEREAS this Colony has, for more than ninety years past, enjoyed the advantages of a separate Government and Legislature, and Her Majesty hath graciously conceded to the inhabitants thereof the management and control of their own affairs:

And whereas the local revenue, owing to the development of the agricultural resources and the expansion of the trade and commerce of the Colony, exhibits a satisfactory yearly increase, and promises, without imposing additional burthens on the people, to be equal to the requirements of the public service:

And whereas the taxation per head on the population, in the other North America Provinces, is now fifty per cent. greater than it is in Prince Edward Island:

And whereas, by the report of the said Convention, various extensive and costly public works, in both the civil and military departments, are intended to be prosecuted in the other Provinces by the Government of the proposed Confederation, which would necessarily impose still greater taxation upon the people of the Confederated Provinces:

And whereas, from its insular position and the complete interruption of its foreign and intercolonial commerce for five months in the year, the people of Prince Edward Island, although they would be compelled by the terms of the proposed Union to assume equal burthens, would not participate equally with the people of the other Provinces in the use or advantages of those public works, or in the large sums of money expended in their construction:

And whereas the subsidy agreed to in the 63rd Article of the report of the said Convention, and the capitation grant of 80 cents per head of the population, named in the 64th Article, and agreed to be paid to this Island in full settlement of all future demands, is not a liberal compensation for the surrender of a separate Government, with the independent powers it now enjoys, its revenue, and all other the rights and privileges thereto belonging, and would very shortly become inadequate to meet the wants of the local Government, and consequently would necessitate a resort to direct taxation to supply the deficiency:

And whereas the supposed advantages of intercolonial free trade would be more than counterbalanced by the disadvantages resulting to this Colony from the existence of a high impost duty on the manufactures of Great Britain and the United States, inasmuch as the trade between this Island and the other British North American Provinces—which is at present very inconsiderable—does not warrant the belief that it will, for many years to come, be of any importance:

And whereas, while recognizing the obligation which imposes upon British colonists the duty of providing, as far as in their power, the means of self-defence, this House cannot agree to the principle, that an insulated Colony like Prince Edward Island should be required to contribute for this object as largely as the inhabitants of Provinces whose geographical position renders them more exposed to the assaults of an enemy, and who, in times of peace, are immediately benefited by the public monies expended not only in the construction of fortifications, but also of useful public works:

And whereas the principle of representation by population would deprive this Colony of any appreciable influence in either branch of the Legislature of the proposed Confederation:

Resolved therefore, unanimously, That the said report of the Quebec Convention, however well adapted in any of its principles to the state and circumstances of the continental Provinces, is in no respect just or suitable to Prince Edward Island, and would, if accepted, prove inimical to the prosperity and happiness of its inhabitants.

Enclosure 3 in No. 3.

Encl. 3 in No. 3.

RESOLUTIONS on the PROPOSED CONFEDERATION of the BRITISH NORTH AMERICAN PROVINCES.—Printed by Order of the House of Assembly.—Moved by the Honourable the Colonial Secretary, 24th March 1865.

1. Resolved. That the best interests and present and future prosperity of British North America, would be promoted by a Federal Union under the Crown of Great Britain, provided that such Union could be effected on principles just to the several Provinces and Colonies.

PRINCE EDWARD ISLAND.

2. Resolved, That the existence of immense military and naval forces in the neighbouring republic renders it specially incumbent on the people of British North America to take the most efficient precautionary measures by which their independence against foreign aggression may be secured.

3. Resolved, That a Union, such as in times of extraordinary danger would place the militia, the revenues, and the resources of the several Provinces at the disposal of a general Parliament, is necessary, in order to maintain the independence of British North America against foreign aggression, and to perpetuate our connexion with the mother country.

4. Resolved, That a Federal Union of British North America, based upon the resolutions adopted at the Conference of delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the city of Quebec, 10th October 1864, as the basis of a proposed Confederation of those Provinces and Colonies, would, among other advantages, promote the development of the trade and manufacturing capabilities of these Provinces and Colonies, and advance the general prosperity, by inducing the substitution of a customs tariff, uniform and common to the Confederation in lieu of the various tariffs now in force in the several Provinces and Colonies.

5. Resolved, That the report of the Conference of delegates from the British North American Provinces and Colonies held at Quebec in October last, taken as a whole, contains a declaration of principles, as the basis of a Federal Union, which this House considers just to the several Provinces and Colonies.

6. Resolved, That this House, believing it is only by mutual concessions and compromises the several British North American Provinces and Colonies can ever agree upon those principles which shall form the basis of a Union, orders that the report of the Conference of delegates from these several Provinces and Colonies held at Quebec in October last be published throughout this Colony for the deliberate consideration of the people on whom will devolve the acceptance or rejection of the proposed Union.

7. Resolved, That until the larger Maritime Provinces and Canada shall have mutually agreed upon terms of union, it is inexpedient that the people of Prince Edward Island should be called upon to decide on the question.

8. Resolved, That in case the Provinces of New Brunswick, Nova Scotia, and Canada should at any time mutually agree upon the basis of a Union, the question be then forthwith submitted to the decision of the people of this Island.

RESOLUTIONS moved by the Honourable JAMES C. POPE, in amendment to the preceding Resolutions.

THE House having had under consideration the report of the Convention held at Quebec respecting a Federal Union of the different Colonies of British America, and a Despatch of the Right Honourable Mr. Cardwell, Her Majesty's Principal Secretary of State for the Colonies, respecting the same.

1. Resolved, That Prince Edward Island, being entirely dependent on its agriculture and fisheries, has nothing to export for which Canada can furnish a market. That while such is and ever must be the relative commercial position of this Island and Canada, the products of our soil and fisheries find in the extensive markets of our parent country, the United States, and the West Indies ready and profitable customers. The proposed Union, while admitting the produce and manufactures of Canada into this Island free, would, by assimilation of taxes, enormously increase the duty to which those of Great Britain and the United States are at present subject, thereby compelling this Island to take a large portion of its imports from Canada, making payment therefor in money instead of procuring them from countries which would receive our produce in exchange; an arrangement so inconsistent with the fundamental principles of commerce must greatly curtail our commercial intercourse with the United States, and would, in the opinion of this House, materially diminish our exports to that country, and prove most injurious to the agricultural and commercial interests of this Island.

2. That if the relative circumstances of Canada and this Island rendered a Union practicable, the evident injustice of the terms agreed to by the Quebec Convention would prevent their being ratified by the Legislature of this Island. Without alluding to all, it is proper to notice some of the objectionable features of the report. Without admitting the principle of representation according to population under all circumstances to be sound, it is, in the opinion of this House, particularly objectionable as applied to this Island in connexion with Canada, taking into consideration that the number of our inhabitants is and must continue comparatively small, owing to the fact that we have no Crown lands, mines, minerals, or other resources sufficient to induce immigrants to settle here, and that we never can expect to become to any extent a manufacturing people in consequence of our navigation being closed for nearly half the year, and all trade and communication with other countries stopped. Under this principle the city of Montreal alone would, at the present time, have a representation greater than the whole Province of Prince Edward Island, and under the provisions of the Convention which regulates the mode of re-adjusting the relative representation of the various Provinces at each decennial census, looking at the rapid increase of the population of Upper and Lower Canada heretofore, particularly the former, and the certainty of a still greater increase therein in the future, over that of the population of this Island, it follows as a certain and inevitable consequence, if a Federation of the Provinces were consummated upon the basis of the said Convention, that the number of our representatives would, in the course of a comparatively short number of years, be diminished to a still smaller number than that allotted at the outset to us.

3. That the old imperial error in granting all the lands in large tracts to absentees, which deprives this Island of the revenue drawn by the sister Colonies from these sources,—our insular position and numerous harbours furnishing cheap and convenient water communication, which render expensive public works here unnecessary,—the revenue to be drawn by the proposed Federal Government from this Island and expended among the people of Canada and the other Colonies in constructing railways and other public works, thereby creating a trade which would build up cities and enhance the value of

property in various localities there, advantages in which this Island could enjoy a very small participation,—our complete isolation during five months of the year, when ice interrupts our trade and communication with the mainland, and during which period the Island could derive no possible benefit from the railroads and other public works which they would be (equally with the people of those Colonies) taxed to construct,—these and many other considerations, but which seem to have been entirely ignored, ought, in the opinion of this House, to have produced an offer of a financial arrangement for this Island very different in its terms from that contained in the report of the Convention.

4. That while this House recognizes the duty of this Colony to use every means, to the extent of its limited resources, to defend its inhabitants from foreign invasion, it cannot recognize the necessity of uniting in a Confederation with Canada for the purpose of defence upon terms which, in other respects, are, in the opinion of this House, so unfair to the people of Prince Edward Island; thus sacrificing our commercial and financial interests for the sake of securing the co-operation of Canada in a military point of view, feeling assured that so long as we remain a loyal and attached Colony of Great Britain, the powerful aid of that great country will continue, as heretofore, to be extended to us, in common with the other North American dependencies of the British Crown.

Lastly, Resolved, That this House disagrees to the recommendations of the Quebec Convention, and on the part of Prince Edward Island emphatically declines a Union which, after a serious and careful consideration, it believes would prove politically, commercially, and financially disastrous to the rights and interests of its people.

For the amendment, 23. Against it, 5.

No. 4.

No. 4.

Copy of a DESPATCH from Lieut.-Governor Dundas to the Right Hon. Edward Cardwell, M.P.

(No. 44.) Government House, May 23, 1865.

Sir, (Received June 5, 1865.)

I have the honour to enclose copy of a Despatch which I have received from the Lieut.-Governor of Nova Scotia, suggesting resumption of negotiations for Union of the Maritime Provinces, together with my reply.

From this correspondence you will perceive that my advisers are not prepared to renew negotiations on that subject.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) GEORGE DUNDAS, Lieut.-Governor.

Enclosure in No. 4.

Encl. in No. 4.

Lieutenant-Governor Sir R. G. MacDonnell to Lieutenant-Governor Dundas.

Sir, Government House, Halifax, Nova Scotia, April 10, 1865.

I had the honour this day of informing you by telegraph that the enclosed resolution, suggesting resumption of negotiations for Union of the Maritime Provinces, was proposed by this Government to the Legislature this day.

I am anxious to know as early as convenient how far your Government is disposed to co-operate in effecting the proposed Union.

I have, &c.

His Excellency Lieutenant-Governor Dundas, &c. &c. &c. (Signed) Richard Graves MacDonnell, Lieutenant-Governor.

(Enclosure.)

Whereas under existing circumstances an immediate Union of the British North American Provinces has become impracticable.

And whereas a legislative Union of the Maritime Provinces is desirable, whether the larger Union be accomplished or not.

Resolved, That in the opinion of this House the negotiations for the Union of Nova Scotia, New Brunswick, and Prince Edward Island should be renewed in accordance with the resolution passed at the last session of the Legislature.

Lieutenant-Governor Dundas to Lieutenant-Governor Sir Richard G. MacDonnell.

Sir, Government House, Prince Edward Island, April 24, 1865.

I have the honour to acknowledge your Despatch of the 10th instant, enclosing a resolution which was on that day proposed to the Legislature of Nova Scotia, suggesting resumption of negotiations for Union of the Maritime Provinces.

PRINCE EDWARD ISLAND.

I have laid that Despatch with its enclosure before the Executive Council of this Island, and a minute is being prepared expressive of its views on the proposal.

In the meantime I may inform you that my ministers are not prepared to renew negotiations on the subject, as they consider that that scheme of Union is impracticable at the present time, so far as this Colony is concerned.

I have, &c.

Lieutenant-Governor Sir R. G. MacDonnell, &c. &c. &c.

(Signed) GEORGE DUNDAS, Lieutenant-Governor.

No. 5.

No. 5.

COPY of a DESPATCH from Lieut.-Governor DUNDAS to the Right Hon. EDWARD CARDWELL, M.P.

(No. 42.) Government House, May 9, 1866.

(Received May 21, 1866.)

(Answered, No. 19, May 25, 1866, page 136.)

SIR,

I HAVE the honour to transmit copy of a Resolution against Confederation, which passed the House of Assembly late last night.

An amendment favourable to Confederation (copy of which is also enclosed) was lost on a division.

For the amendment	7
Against it	21

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) GEORGE DUNDAS, Lieut.-Governor.

Encl. in No. 5.

Enclosure in No. 5.

RESOLUTIONS in HOUSE of ASSEMBLY on the subject of CONFEDERATION.

HON. Leader of the Government then remarked that as many unfounded rumours were circulated, and groundless fears entertained by many, touching the course intended to be pursued in regard to the all-absorbing topic Confederation, he considered it would be as well to submit the Resolutions on that subject, which had been prepared in answer to the Despatches from the Secretary of State to his Excellency the Lieutenant-Governor relative to that subject.

Said Resolutions were then laid on the table, and are as follow:

This House having had under consideration the message of his Excellency the Lieutenant-Governor communicating a Despatch from the Right Hon. Edward Cardwell, Her Majesty's Principal Secretary of State for the Colonial Department, upon the subject of a Federation of the British North American Provinces, and having most carefully and earnestly considered the project in all its bearings—

Resolved, As the deliberate opinion of this House, that any Union of the British North American Colonies which would embrace Prince Edward Island, upon the terms and principles set forth in the Resolutions of the Conference of Quebec, held on the 10th October 1864, would not only be unjust to the inhabitants of this Colony, but prove disastrous to their dearest and most cherished rights and interests as a free people enjoying the blessings of a priceless constitution guaranteed to them by the Imperial Government of Great Britain.

That considering the isolated, peculiar, and exceptional position of Prince Edward Island, as contrasted with the other British North American Provinces and Colonies, this House deems it to be its duty, as the constitutional representative of the people of Prince Edward Island, to re-affirm the decision so clearly and unequivocally declared by this House in the resolutions passed by it in its last session, upon the subject of a Union of the British North American Colonies, and afterwards communicated by the joint Address of the Legislative Council and House of Assembly of this Colony to Her Majesty's Imperial Government.

Resolved further, that even if a Union of the continental Provinces of British North America should have the effect of strengthening and binding more closely together these Provinces, or advancing their material and commercial interests, this House cannot admit that a federal Union of the North American Provinces and Colonies, which would include Prince Edward Island, could ever be accomplished upon terms that would prove advantageous to the interests and well-being of the people of this Island, cut off and separated as it is, and must ever remain, from the neighbouring Provinces, by an immovable barrier of ice for many months in the year; and this House deems it to be its sacred and imperative duty to declare and record its conviction, as it now does, that any Federal Union of the North American Colonies that would include Prince Edward Island, would be as hostile to the feelings and wishes as it would be opposed to the best and most vital interests of its people.

Resolved further, that while this House cannot assent to a federal Union of this Island with the other Colonies, they recognize it to be the duty of this Colony to contribute, from its local revenues, towards its defence, in fair and just proportion to its means.

AMENDMENT proposed by Hon. E. WHELAN.

Resolved, as the opinion of this House, that the Confederation of Her Majesty's American Colonial Possessions would be—while in conformity with Her Majesty's frequently expressed desire—conducive to their welfare, individually and generally. And this House believes that a plan of Confederation might be so framed as not to involve the sacrifice of any material interests on the part of any Province; but inasmuch as the people of Prince Edward Island do not appear to be prepared to regard with any

favour the project of Confederation, it is unwise to press it upon public attention, as its discussion is only calculated to produce excitement and apprehension, without reasonable cause. PRINCE EDWARD ISLAND.

And further resolved, as the opinion of this House, that there should be no vote passed by the Legislature of this country in favour of a Confederation of the Provinces until the people shall first be afforded an opportunity of pronouncing their judgment on the question at a general election.

For the amendment - - - - - - 7
Against it - - - - - - - 21

No. 6. No. 6.

COPY of a DESPATCH from Lieut.-Governor DUNDAS to the Right Hon. EDWARD CARDWELL, M.P.

(No. 44.) Government House, May 11, 1866.
(Received June 4, 1866.)
(Answered, No. 21, June 9, 1866, page 137.)

SIR,

I HAVE the honour to transmit herewith Addresses to Her Majesty the Queen which have been adopted by the Legislative Council and by the House of Assembly of this Island.

The prayers of these Addresses are that Her Majesty will be pleased to withhold Her sanction from any measure intended to effect a Union of this Island with Canada and the other British North American Provinces.

In accordance with your instructions, I laid the correspondence contained in your Despatch, No. 35,* of 24th June 1865, before the Legislature during its late session. At the same time I expressed, by message to both branches, the views of Her Majesty's Government on this matter. * Page 136.

The Legislative Council thereupon unanimously agreed to resolutions (of which I enclose copies) condemnatory of any scheme of Union. I enclose copies of an Address of that body to myself requesting me to forward their Address to Her Majesty.

In the House of Assembly the President of the Executive Council proposed similar resolutions, to which an amendment was moved by Mr. Whelan to the effect, that the Confederation of the British North American Provinces, while in conformity with Her Majesty's desire, would be conducive to their welfare. That a scheme of Union might be so framed as not to involve the sacrifice of any material interests of this Province, but that the people should have an opportunity of expressing their opinion at the polls before a vote of the Legislature was passed in favour of Confederation.

This amendment was lost on a division, and the original resolution carried by 21 to 7. Copy of the resolution and of the amendment are enclosed.

The Addresses to Her Majesty which I enclose (and of which I transmit printed copies), were founded on the resolutions passed in each branch of the Legislature.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) GEORGE DUNDAS,
Lieut.-Governor.

Enclosure 1 in No. 6. Encl. 1 in No. 6.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's loyal and faithful subjects, the Legislative Council of Prince Edward Island, having had under our consideration a copy of a Despatch from the Right Honourable Edward Cardwell, Your Majesty's Principal Secretary of State for the Colonial Department, addressed to his Excellency George Dundas, Esq., Lieutenant-Governor of this Island, bearing date the 24th day of June last, accompanied by a copy of a correspondence between the Colonial Minister and his Excellency the Right Honourable Viscount Monck, Governor-General of Canada, on the affairs of British North America, including the subject of the proposed Union of the British North American Colonies, in which Despatch his Excellency Lieutenant-Governor Dundas is directed by the said Colonial Minister to communicate the said correspondence to the Legislature of this Island at its then next session, and at the same time to express the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one government, and having given the said documents that patient and respectful consideration to which all communications emanating from so exalted a source, and having reference to a subject of vital importance to all the maritime Colonies and Provinces, are entitled, we humbly beg leave to approach Your Majesty's Throne for the purpose of conveying to Your August Majesty the result of our renewed deliberations upon the great question again brought under our notice by Your Majesty's Colonial Minister.

First.—We regret our inability to discover in the correspondence above alluded to any sufficient reason to induce us to depart from or modify the spirit of the joint address to Your Majesty unanimously adopted by the Legislative Council of this Island on the 3rd day of April 1866, and subsequently transmitted by his Excellency Governor Dundas to Your Majesty's Colonial Minister for the purpose of being laid at the foot of the Throne.

PRINCE EDWARD ISLAND.

Secondly.—We do not deem it inconsistent with the most devoted and loyal attachment to Your Majesty's person and Government to declare our firm conviction that in deliberating upon a question seriously affecting the liberty, happiness, and prosperity of the inhabitants of this Colony, we ought to be guided mainly by "the well understood wishes of the people" whom we represent, even should their wishes unfortunately conflict, as in the present instance, with the declared "policy" of Your Majesty's Government for the time being, the inhabitants of this Colony being, in our opinion, fully competent to decide upon so vital a question as the constitution of the country in which their lot has been cast, and the means best adapted to promote and perpetuate the stability and prosperity of that country.

Thirdly.—Pregnant with advantages to the Province of Canada as the proposed Union may appear, and fraught with corresponding benefits as such Union may be, under certain modifications of the "Quebec scheme," to one or more of the Maritime Provinces, we regret our inability to suggest any modification of that "scheme" which could with safety be adapted to the peculiar position and circumstances of this Island, and which would at the same time prove acceptable to the people of Canada.

Fourthly.—To make suitable provision for the vast public works now contemplated by the Government of Canada, the tariff of the Provinces, if united as proposed, must necessarily be greatly augmented, and the burdens of the people proportionably increased. That this Colony, if included in the proposed Union, would be subject to that tariff is certain, but that its people would participate in an equal ratio with the other Provinces in the benefits anticipated as the result of this excessive taxation is by no means probable, believing as we do that, although the trade, commerce, and manufactures of the continental Provinces would be greatly stimulated by new and extended railways, new and improved canals, the opening and working of valuable mines, the trade, commerce, and manufactures of this Island would not to any appreciable extent be beneficially affected thereby.

Fifthly.—Since the year 1851, when Your Majesty was most graciously pleased to concede to the people of this Colony the rights and privileges of self-government, Prince Edward Island has made and is still making steady advances in population and material prosperity, and its inhabitants are now perfectly satisfied with the free and liberal constitution under which it is their happiness to live, the number of those who are willing to incur the risks and dangers inseparable from a Union with the larger and more powerful Provinces of British North America being, in our opinion, extremely insignificant and unimportant.

Sixthly.—We are not insensible to the obligation resting upon this Colony to contribute its fair share towards defraying the expense of resisting foreign invasion or aggression, and have cheerfully sanctioned the placing of the entire resources of the Colony at the disposal of the Government for the attainment of this desirable object.

Seventhly.—We rely with the utmost confidence on the wisdom and justice of Your Majesty in the present crisis, believing as we do that the necessities of Canada and the importunities of its Government will not be deemed by Your Majesty of sufficient importance to warrant a change in the constitution and form of government of this Colony opposed to the wishes and hostile to the feelings of its inhabitants, a change which, it is generally believed, must prove subversive of our liberties and highly detrimental to our best interests.

May it therefore please Your Majesty graciously to withhold Your Royal sanction from any measure calculated to deprive Prince Edward Island of the constitution which it now happily enjoys, and more especially from any measure intended to effect a Union of Prince Edward Island with Canada and the other Provinces of British North America.

Legislative Council, May 10, 1866. DONALD MONTGOMERY, President.

Encl. 2 in No. 6.

Enclosure 2 in No. 6.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

WE Your Majesty's dutiful and loyal subjects, the House of Assembly of Prince Edward Island, having had under consideration the message of his Excellency the Lieutenant-Governor, communicating a Despatch dated the 24th day of June last, from the Right Honourable Edward Cardwell, Secretary of State for the Colonial Department, upon the subject of a Federation of the British North American Provinces, beg leave to approach Your Majesty for the purpose of expressing our respectful but deliberate opinion that any Union of the British North American Colonies which would embrace Prince Edward Island, upon the terms and principles set forth in the resolutions of the Conference of Quebec, held on the 10th October 1864, would not only be unjust to the inhabitants of this Colony, but prove disastrous to their dearest and most cherished rights and interests as a free people enjoying the blessings of a priceless constitution guaranteed to them by the Imperial Government of Great Britain.

That, considering the isolated, peculiar, and exceptional position of Prince Edward Island, as contrasted with the other British North American Provinces and Colonies, this House deems it to be its duty, as the constitutional representative of the people of Prince Edward Island, to re-affirm the decision so clearly and unequivocably declared by this House in the resolutions passed by it in its last session, upon the subject of a Union of the British North American Colonies, and afterwards communicated by the joint address of the Legislative Council and House of Assembly of this Colony to Her Majesty's Imperial Government; and further, that even if a Union of the continental Provinces of British North America would have the effect of strengthening and binding more closely together these Provinces and advancing their material and commercial interests, this House cannot admit that a Federal Union of the North American Provinces and Colonies which would include Prince Edward Island, could ever be accomplished upon terms that would prove advantageous to the interests and well-being of the people of this Island, cut off and separated as it is, and must ever remain, from the neighbouring Provinces by an immovable barrier of ice for many months in the year; and this House deems it to be its sacred and imperative duty to declare its conviction that any federal Union of the North American Colonies that would embrace this Island, would be as hostile to the feelings and wishes, as it would be opposed to the best and most vital interests of its people.

We beg further respectfully to state that while this House cannot assent to a Federal Union of this Island with the other Colonies, they recognize it to be the duty of this Colony to contribute from its local revenues towards its defence in fair and just proportion to its means.

We do, therefore, most humbly pray that Your Majesty will be graciously pleased not to give Your Royal sanction to any Act or measure founded upon the basis of the report of the Quebec Conference, or otherwise that would have the effect of uniting Prince Edward Island in a Federal Union with Canada, or any other of Your Majesty's Provinces in America.

R. MACAULAY,
Speaker.

House of Assembly, May 10, 1866.

Encl. 3 in No. 6.

Enclosure 3 in No. 6.

RESOLUTIONS of LEGISLATIVE COUNCIL of PRINCE EDWARD ISLAND (1866), against CONFEDERATION of BRITISH NORTH AMERICAN PROVINCES.

Whereas the Legislative Council have had under their consideration a copy of a Despatch from the Right Honourable Edward Cardwell, Her Majesty's Principal Secretary of State for the Colonial Department, addressed to his Excellency George Dundas, Esquire, Lieutenant-Governor of this Island, and bearing date the twenty-fourth day of June last, accompanied by a copy of a correspondence between the Colonial Minister and Viscount Monck, Governor-General of Canada, on the affairs of British North America, including the subject of the proposed Union of the British North American Colonies, in which Despatch his Excellency Governor Dundas is directed by the said Colonial Minister to communicate the said correspondence to the Legislature of this Island at its then next meeting, and at the same time to express the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one Government; and this Legislative Council having given the said documents that patient consideration to which all communications emanating from so exalted a source, and having reference to a subject of vital importance to all the Maritime Colonies, are entitled: Be it therefore—

Resolved, That this Legislative Council regrets its inability to discover in the said correspondence any sufficient reason to induce it to depart from or modify the spirit of the resolution unanimously adopted by this House on the 3rd day of April 1865, and of the joint address to Her Majesty, also adopted by this House on the same day, on the subject of Confederation.

Resolved, That this Legislative Council does not deem it inconsistent with loyal attachment to Her most Gracious Majesty's Person and Government to declare its firm conviction that, in deliberating upon a question seriously affecting the liberty, happiness, and prosperity of the inhabitants of this Colony, this House ought to be guided mainly by "the well understood wishes of the people" whom it represents, even should these, unfortunately, conflict with the declared "policy" of the noblemen and gentlemen composing Her Majesty's Government for the time being,—the inhabitants of this Colony being, in the opinion of this Legislative Council, fully competent to decide upon so vital a question as the constitution of the country in which their lot has been cast, and the means best adapted to promote and perpetuate the prosperity and stability of that country.

Resolved, That pregnant as the proposed Union appears to be with advantages to the Province of Canada, and fraught, as it may be, under certain modifications, with corresponding benefits to one or more of the Maritime Provinces, this Legislative Council can suggest no modification of the "Quebec "scheme" which could with safety be adapted to the peculiar position and circumstances of this Colony, and which would, at the same time, be acceptable to the people of Canada.

Resolved, That to make suitable provision for the vast public works now contemplated by the Government of Canada, the tariff of the united Provinces must necessarily be greatly augmented, and the burdens of the people proportionately increased; that this Colony, if included in the proposed Union, would be subject to that tariff, is certain, but that its people would participate in an equal ratio with the other Maritime Provinces, in the benefits resulting from the excessive taxation that would thus be imposed upon them, is by no means probable,—believing, as we do, that although the trade, commerce, and manufactures of the continental Provinces would be greatly stimulated by new and extended railways, new and improved canals, the opening and working of valuable mines, the trade, commerce, and manufactures of this Island would not, to any appreciable extent, be beneficially affected thereby.

Resolved, That since the year 1851, when Her Majesty was most graciously pleased to concede to the people of this Colony the rights and privileges of self-government, Prince Edward Island has made, and is still making, steady advances in population and material prosperity, and its inhabitants are now perfectly satisfied with the free and liberal constitution under which it is their happiness to live,—the number of those who are willing to incur the risks and dangers inseparable from a Union with the larger and more powerful Provinces of British North America being, in the opinion of this Legislative Council, extremely insignificant and unimportant.

Resolved, That this House is not insensible to the obligation which rests upon this Colony to contribute its fair share towards defraying the expense of resisting foreign invasion or aggression; and this Legislative Council is most anxious that a liberal provision should be made during the present session, both as respects men and means, for the purposes of defence, and will cheerfully sanction the placing of the entire resources of the Colony at the disposal of the Government for the attainment of so desirable an object.

Resolved, That this Legislative Council relies with the utmost confidence on the wisdom and justice of Her most Gracious Majesty in the present crisis, believing, as it does, that the necessities of Canada and the importunities of its government will not be deemed by Her Majesty of sufficient importance to warrant a change in the constitution and form of government of this Colony opposed to the wishes and hostile to the feelings of its inhabitants; a change which, it is believed, must prove subversive of their liberties and highly detrimental to their best interests,

PRINCE EDWARD ISLAND.

Resolved, That the consideration of the various other subjects embraced in the Despatches and other documents referred to this Committee, and not heretofore disposed of by the legislative proceedings of this session, be deferred until the next session of the Legislature.

Resolved, That an humble address based on the foregoing resolutions be prepared and forwarded to Her Majesty the Queen, praying that Her Majesty may be graciously pleased to withhold Her sanction from any measure calculated to deprive Prince Edward Island of the constitution which it now happily enjoys, and more especially from any measure intended to effect a Union of Prince Edward Island with Canada and the other Provinces of British North America.

Encl. 4 in No. 6.

Enclosure 4 in No. 6.

To his Excellency GEORGE DUNDAS, Esq., Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and the territories thereunto belonging, Chancellor, Vice-Admiral, and Ordinary of the same, &c., &c., &c.

May it please your Excellency:

THE Legislative Council having unanimously passed an Address to Her Majesty the Queen, expressive of their opinion on the subject of the proposed Union of the British North American Colonies, have respectfully to request that your Excellency will be pleased to cause the same to be laid at the foot of the Throne.

The Legislative Council at the same time beg leave to express to your Excellency their earnest hope that the opinion of the Legislative Council, as conveyed to Her Majesty in the said Address, may be deemed conclusive on the part of those whom they represent in this Island, in case any further action may be taken by Her Majesty's Government in reference to the question of Confederation, and that your Excellency may have no further cause of appeal to the Legislature of this Colony, or deem it necessary to take any further action on the part of this Colony respecting the further consideration of a question on which both branches of its Legislature have, for the second time, passed such a solemn and conclusive opinion.

Encl. 5 in No. 6.

Enclosure 5 in No. 6.

RESOLUTIONS on the SUBJECT of a FEDERAL UNION of the BRITISH NORTH AMERICAN PROVINCES.

These Resolutions will be found printed at page 130.

No. 7.

No. 7.

COPY of a DESPATCH from Lieut.-Governor DUNDAS to the Right Hon. the Earl of CARNARVON.

(No. 88.) Government House, Prince Edward Island, November 7, 1866.

(Received, November 17, 1866.)

MY LORD,

* Page 137.

WITH reference to your Lordship's Despatch, No. 11,* of 27th September, I have the honour to enclose an approved Minute of the Executive Council of Canada, respecting the proposal of the Delegates of Nova Scotia and New Brunswick, which Minute I received on the 5th instant from the Governor-General.

I have laid these papers before the Executive Council of this Province. My advisers consider that the answer of Canada renders any action on their part unnecessary.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) GEORGE DUNDAS, Lieut.-Governor.

Encl. in No. 7.

Enclosure in No. 7.

Copy of a REPORT of a Committee of the Honourable the Executive Council, approved by his Excellency the Governor-General in Council on the 22nd October 1866.

The Committee of Council have had under consideration the Despatch of the Colonial Secretary to your Excellency of the 26th September last, and the accompanying resolution of the Delegates from Nova Scotia and New Brunswick, and they now beg leave to report,

That the resolution referred to is as follows:—

"At a meeting of the Delegates from Nova Scotia and New Brunswick, held at the Alexandra Hotel, London, on the 22nd day of September 1866, all being present except the Hon. Mr. Wilmot, it was unanimously resolved, that inasmuch as the co-operation of Prince Edward Island, though not indispensable to a union of the other British North American Provinces, is on many accounts very desirable, and as the settlement of the land question, which has so long and so injuriously agitated that Colony, would be attended with great benefit, and at the same time place the local government of the Island, by the possession of the proprietary lands, more on a footing with the other Provinces which have Crown lands and minerals as a source of local revenue.

"Therefore resolved—

"That in case the Legislature of the Island should authorize the appointment of Delegates to act in conjunction with those from the other Provinces in arranging a plan of co-operation prior to the meeting of the Imperial Parliament, the Delegates from Nova Scotia and New Brunswick are hereby pledged to support the policy of providing such an amount as may be necessary for the purchase of the proprietary rights, but not to exceed eight hundred thousand dollars ($800,000)." PRINCE EDWARD ISLAND.

It would seem from this resolution that the gentlemen from Nova Scotia and New Brunswick pledge themselves as Delegates, and not as representing the Governments of their respective Provinces, to support the policy of providing the amount mentioned.

As their powers will expire with the settlement of the scheme of union, it is to be inferred that their pledge can only be carried out by their advocating the insertion of a clause in the Imperial Act, binding the future Government and Legislature of United British North America to pay the sum of $800,000.

The Canadian Government do not consider that they have any power or right to consent to the payment of that or any sum without the previous consent of the Canadian Parliament, and they therefore cannot confer upon their Delegates powers which they do not themselves possess.

The Committee fully appreciate the motives which induced the Delegates from Nova Scotia and New Brunswick to adopt the resolution, and they agree with the Delegation as to the desirableness of bringing Prince Edward Island into the contemplated union.

The Committee are of opinion that every proper exertion should be made for that purpose, and recommend that the subject of the adjustment of the land question should be fully discussed by the Delegates from the three Provinces in London in a liberal spirit. Should the result of the discussion be that in the opinion of the Delegates pecuniary compensation should be given to the proprietors for the surrender of the proprietary rights, the Committee would further recommend that the Canadian Delegates be authorized to join with those from the Maritime Provinces in a strong representation to the first Government and Parliament of the united Provinces in favour of their granting the compensation agreed upon by them.

Certified.

(Signed) W. H. LEE, C.E.C.

Despatches from the Secretary of State.

No. 1. No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieutenant-Governor DUNDAS.

(No. 3.)

SIR, Downing Street, February 4, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 4,* of the 9th of January, enclosing copy of a correspondence between Viscount Monck and yourself respecting the proposed Union of the British North American Colonies. * Page 125.

I have, &c.

Lieutenant-Governor Dundas, &c. &c. (Signed) EDWARD CARDWELL.

No. 2. No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieutenant-Governor DUNDAS.

(No. 22.)

SIR, Downing Street, April 29, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 27,* of the 3rd of April, enclosing a joint Address to the Queen from the Legislative Council and House of Assembly of Prince Edward Island, praying Her Majesty not to give the Royal assent to any Act or measure founded on the Quebec Resolutions that would have the effect of uniting that Province in a Federal Union with Canada or any other of the British Provinces in America. I have to request that you will inform the Legislative Council and House of Assembly that I have laid their Address before the Queen. * Page 125.

I have, &c.

Lieutenant-Governor Dundas, &c. &c. (Signed) EDWARD CARDWELL.

PRINCE EDWARD ISLAND.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieutenant-Governor DUNDAS.

(No. 35.)

SIR, Downing Street, June 24, 1865.

Vide Papers presented 7th February 1865.

I HAVE the honour to transmit to you the copy of a correspondence between Viscount Monck and myself on the affairs of British North America which have lately formed the subject of conferences between Her Majesty's Government and a deputation from the Canadian Government.

This correspondence having been presented to both Houses of the Imperial Parliament by command of Her Majesty, I have to direct you to communicate it also to the Legislature of Prince Edward Island at its next meeting.

You will at the same time express the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one government. In the territorial extent of Canada, and in the maritime and commercial enterprize of the Lower Provinces, Her Majesty's Government see the elements of power which only require to be combined in order to secure for the Province which shall possess them all a place among the most considerable communities of the world. In the spirit of loyalty to the British Crown, of attachment to British connexion, and of love for British institutions, by which all the Provinces are animated alike, Her Majesty's Government recognize the bond by which all may be combined under one government. Such an union seems to Her Majesty's Government to recommend itself to the Provinces on many grounds of moral and material advantage, as giving a well-founded prospect of improved administration and increased prosperity. But there is one consideration which Her Majesty's Government feel it more especially their duty to press upon the Legislature of Prince Edward Island. Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern, the Colonies must recognize a right, and even acknowledge an obligation incumbent on the Home Government, to urge with earnestness and just authority the measures which they considered to be most expedient on the part of the Colonies with a view to their own defence. Nor can it be doubtful that the Provinces of British North America are incapable, when separate and divided from each other, of making those just and sufficient preparations for national defence, which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole.

I am aware that this project, so novel as well as so important, has not been at once accepted in Prince Edward Island with that cordiality which has marked its acceptance by the Legislature of Canada, but Her Majesty's Government trust that after a full and careful examination of the subject in all its bearings, the Maritime Provinces will perceive the great advantages which, in the opinion of Her Majesty's Government, the proposed Union is calculated to confer upon them all.

I have, &c.

Lieutenant-Governor Dundas. (Signed) EDWARD CARDWELL.
&c. &c.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieutenant-Governor DUNDAS.

(No. 19.)

SIR, Downing Street, May 25, 1866.

* Page 130.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 42,* dated the 9th May, transmitting a copy of a Resolution against Confederation which passed the House of Assembly on the previous night.

I have, &c.

Lieutenant-Governor Dundas, (Signed) EDWARD CARDWELL.
&c. &c.

No. 5.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Lieutenant-Governor DUNDAS.

(No. 21.)

SIR, Downing Street, June 9, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 44,* of the 11th of May, enclosing Addresses to the Queen from the Legislative Council and the House of Assembly of Prince Edward Island on the subject of the Union of the British North American Provinces.

* Page 131.

I have to request you to acquaint the Legislative Council and House of Assembly that I have laid their respective Addresses at the foot of the Throne.

I have, &c.

Lieutenant-Governor Dundas, &c. &c. (Signed) EDWARD CARDWELL.

No. 6.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Lieutenant-Governor DUNDAS.

(No. 11.)

SIR, Downing Street, September 27, 1866.

I HAVE the honour to transmit to you, for your information, the enclosed copy of a Resolution adopted by the Delegates in England from the Provinces of Nova Scotia and New Brunswick, together with a copy of a Despatch which I have addressed on the subject to Viscount Monck.

No. 63. Sept. 26, 1866. Page 49.

I have, &c.

Lieutenant-Governor Dundas, &c. &c. (Signed) CARNARVON.

No. 7.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Lieutenant-Governor DUNDAS.

(No. 3.)

SIR, Downing Street, January 19, 1867.

THE negotiations respecting the proposed Confederation of the British North American Provinces have reached a point at which I think it right that you should be generally apprised of the mode in which that proposal is viewed by Her Majesty's Government. They are not unaware of the difficulties which must attend any attempt to consolidate in one body politic a variety of Provinces whose habits, laws, and interests must be in many respects different, and in some perhaps not wholly compatible. By far the most important part of those difficulties have been removed in the present instance by the wise and loyal foresight of the public men of Lower Canada, who in their treatment of this subject have shown themselves able to reconcile a manly support of their hereditary customs and institutions with a generous confidence in the justice and friendly feeling of their more numerous fellow subjects of British origin. The questions which remain in controversy will be approached by Her Majesty's Government with anxious and careful attention, but, I must add, in no spirit of indifference.

That in time of war or tumult the armed force of British North America should be one under one supreme command,—that in time of peace their commerce, their post, their great lines of communication, and, with due regard to local usage, their civil and criminal jurisprudence should be governed by the same rules,—that an extended public opinion should be brought to bear on the settlement of narrow local controversies, and that the most important affairs of British North America should be administered by a combination of the ablest men whom it can furnish,—these benefits appear to me so indisputable, so pervading, and so permanent in their character that I should be wanting to my duty if I did not express to you, and through you to the community over which you preside, my earnest hope that no trifling obstacle will be allowed to interfere with their full attainment.

As my object is not to express any opinion on the details of this measure, but to give to the principle on which it is founded that frank support which Her Majesty's Government consider to be due from them, I shall only add that you are at full liberty to communicate this Despatch to your Executive Council.

I have, &c.

Lieutenant-Governor Dundas, &c. &c. &c. (Signed) CARNARVON.

NEWFOUNDLAND.

Despatches from the Governor.

No. 1.

No. 1.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 16.) Government House, Newfoundland, December 27, 1864.
(Received January 17, 1865.)
(Answered No. 4, January 24, 1865, page 154.)

SIR,

I HAVE had the honour to receive your Despatch, No. 21, of the 8th instant, forwarding a copy of one to the Governor General of Canada * on the subject of the proposed Confederation of the several Provinces of British North America.

* No. 93 of Dec. 3, 1864, printed in papers presented Feb. 7, 1865, page 11.

2. I have thought it desirable at once to publish this communication for general information; and when the local Legislative Session is opened on the 28th of January next it shall formally be laid before the Council and Assembly, with the Report from the Conference of Delegates recently held at Quebec.

3. When forwarding to you the replies of the Legislative bodies to the usual Address from the Officer administering the Government, I shall be better able to report the official reception of the proposal of the Quebec Conference; but I may now state that the information I have obtained from various sources leads me to anticipate the favourable consideration of that proposal.

4. I enclose a copy of a Despatch which I have addressed by the present mail to Lord Monck, believing that I should act rightly in endeavouring to obtain from him at once any information or suggestions which may facilitate the settlement of this important subject, and as far as possible to secure harmonious and co-operative action in the proceedings necessary for this purpose.

5. As I have noticed in my communication to him, I have ascertained that the solicitude of the mercantile, which is the dominant interest here, is directed principally to the effect which the virtual annexation of the smaller Provinces to Canada may have upon the local tariff.

Objections arising even from this source would not, I believe, be unconquerable, but I hope I may receive such a reply from the Canadian Government as may greatly, if not altogether, neutralize any opposition upon this ground.

6. The most important detail in the arrangement presenting itself for settlement will probably grow out of the opinion which I know is entertained by leading men of both political parties in the Legislature, that on the Union of the Provinces a modification of the local legislative constitution would be very desirable, if not absolutely necessary, as a matter of economy; and that a consolidation of the Council and Assembly into one body, such as some years ago formed the Legislative Chamber of this Colony, with much reduced numbers, would constitute the best kind of local Legislature for future local purposes.

7. This suggestion will probably give rise to much discussion; but I believe it would be practicable, if it should appear to be desirable, to press the whole question to a solution during the very next session of the Legislature. In this respect, however, the local Government will be guided by circumstances and the information which may be received from the other Provinces. It is not unlikely a feeling may grow up that, as the present Assembly will expire in May, and a general election must take place in the autumn, it may be better to allow the whole subject to be submitted to the constituencies; and though no material alteration would be probable in the constitution of the new House, yet it may remove some excuse for popular clamour to permit reference to be nominally made to the electors.

I have, &c.
(Signed) A. MUSGRAVE.

The Right. Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure in No. 1.

NEWFOUNDLAND.

Government House, Newfoundland, December 27, 1864.

This Despatch will be found printed at page 2.

Encl. in No. 1.

No. 2.

No. 2.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 23.) Government House, Newfoundland, January 27, 1865.

(Received February 16, 1865.)

(Answered No. 9, February 27, 1865, page 154.)

SIR,

I HAVE the honour to forward to you copies of the speech with which I have this day opened the annual session of the Colonial Parliament.

2. I have, perhaps, permitted myself more freedom in the expression of my opinion on some subjects than has been usual on the part of the Governor since the establishment of Responsible Government; but the Council entirely approved of the draft which I submitted to them, and I have reason to hope that the remarks which I have made will not be inexpedient in the present position of local affairs and circumstances.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) A. MUSGRAVE.

Enclosure in No. 2.

Encl. in No. 2.

EXTRACT from SPEECH of his Excellency Governor MUSGRAVE on opening the Fifth Session of the Eighth General Assembly, January 27, 1865.

MR. PRESIDENT, AND HONOURABLE GENTLEMEN OF THE COUNCIL,

MR. SPEAKER, AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY,

You will be furnished with the report of the delegates from the several British North American Provinces, who met at Quebec in October last to consider a proposition for the Confederation of these Colonies, and with a copy of a Despatch from the Secretary of State upon this important subject, conveying the general approval of Her Majesty's Government of the proceedings of the Conference. The question to which these papers refer is one of the deepest interest to the whole community, without exception of any party or section, and I am confident that I need not exhort you to approach the consideration of the proposal submitted by the Conference in a spirit of calm examination. Its bearing upon the immediate welfare of the population of Newfoundland will no doubt most concern you, but future beneficial consequences likely to flow from the arrangement, if carried into effect, will not escape your inquiry. I have been acquainted, by the Governor-General of Canada, that the Canadian Parliament was summoned to meet on the 19th instant, and it is intended by his Government to propose an Address to the Queen from both branches of the Legislature, embodying the resolutions of the Quebec Conference, and praying Her Majesty to cause a Bill to be introduced into the Imperial Parliament to enact the union of these Colonies on the basis of these resolutions.

With respect to the question of the Customs tariff of the proposed Union, which naturally engages much consideration, it is obviously impossible for the Government of any one Province to give any pledge which would be binding upon the Government or Parliament of the Union; but I am in a position to state that, if the decision rested with the members of the present Canadian Administration, their desire would be to arrange the charges in the tariff so as to meet the views of all the members of the proposed Union.

His Excellency Lord Monck has expressed to me his opinion that the course of action will be in a direction that will be satisfactory to your Honourable Bodies, and that no apprehension need be entertained in Newfoundland that a system of excessive import duties will be introduced.

No. 3.

No. 3.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 27.) Government House, Newfoundland, February 23, 1865.

(Received March 14, 1865.)

(Answered No. 15, March 17, 1865, page 154.)

SIR,

I HAVE had the honour to receive your Despatch No. 4,* of the 24th of January, in which you signify your approval of the modification in the constitution of the local Legislature that I had acquainted you is likely to be proposed as a consequence of the Union of the several Provinces and the establishment of one General Colonial Parliament; and in which also you express the opinion that in the absence of any serious reason to the contrary it will be most desirable to obtain the decision of the Legislature upon the proposed Confederation without delay.

* Page 154.

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2. In my Despatch to which you refer I remarked that when forwarding to you the replies of the Legislative Bodies to the usual Address from the Governor on opening the legislative session I should be better able than at that time to report the official reception of the proposal of the Quebec Conference; and I also in the last paragraph remarked that it was not unlikely a feeling would grow up that in view of the expiration of the existing House of Assembly after the present Session it would be most desirable to defer decision upon that proposal until the question should have been submitted to the constituencies.

3. On the debates in both the Council and Assembly on the Addresses in reply to the opening speech, and subsequently on the special subject of Confederation, it has become obvious that although no attempt is made to obtain a decision adverse to the proposition, the strongest disinclination exists, even on the part of some favourable to the Union of the Provinces, to pronounce any judgment upon the subject during the present session. It is urged, with some show of plausibility, that under any circumstances the matter is one which should be referred to the constituencies, and that in those actually existing it would be specially improper to attempt to force a hasty decision from the present Legislature, just on the eve of expiration.

4. I believe I am justified in stating that the project is gradually gaining ground in the estimation of the better informed members both of the Legislature and the community; but a good deal of misapprehension prevails among a large number, which a little time for consideration and explanation would go far to remove. I entertain scarcely any doubt of the final adoption of the proposals of the Quebec Conference; but the circumstances of Newfoundland are somewhat different from those of the other Provinces, and the ultimate success of the scheme when put into action will depend very much upon its being established upon the good will of the people. I am advised, and it appears to myself that in the present state of public feeling it would be unwise to press for immediate decision against the almost unanimous desire, to defer it until the next session. Such a course would probably fail, and only have the effect of exciting factious hostility, which would retard the eventual settlement of the Union; and it is therefore now proposed by the Government to agree to the postponement of a decision until the first session of the new Legislature, when the question shall have been submitted to the constituencies of the Colony.

5. I trust that practically neither inconvenience nor delay will arise from this determination, as the information received through different sources from the other Provinces seems to render it doubtful whether all, if any of them, will so far have determined the questions submitted for consideration as to enable the preparation of a Bill for introduction in the Imperial Parliament during the present session.

6. I have communicated to Lord Monck by this mail the substance of the observations I have now made.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) A. MUSGRAVE.

No. 4.

No. 4.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 35.)

Government House, Newfoundland, April 13, 1865.

(Received, May 9, 1865.)

(Answered, No. 22, May 12, 1865, page 155.)

SIR,

I HAVE the honour to forward to you copies of the speech with which, on the 7th instant, I closed the Legislative Session.

* Not printed.

2. I annex a list of the Bills* passed by the Council and Assembly, which will be transmitted in due course when printed, and a copy of the resolution passed unanimously by the Assembly on the subject of the proposed Confederation of the North American Provinces to which I referred in my speech.

3. I have no doubt that the course adopted with regard to this matter, in which the Executive Council and myself entirely concurred, will prove to be the most judicious under the several circumstances which require to be considered. Any attempt to force acceptance of the proposition during this session would have certainly resulted in defeat. After any adverse decision by the present House an appeal to the constituencies would have been made under disadvantageous conditions. And nothing would be gained by precipitancy here so long as the question remains undecided in the other Provinces,

without whose concurrence the scheme cannot be carried into effect; while I have ground for confidence that when Nova Scotia and New Brunswick shall virtually have adopted the proposal there will be no unreasonable delay on the part of Newfoundland. NEWFOUNDLAND.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) A. MUSGRAVE.

Enclosure in No. 4. Encl. in No. 4.

EXTRACT from SPEECH of his Excellency Governor MUSGRAVE, on closing the Fifth Session of the Eighth General Assembly, April 7, 1865.

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE COUNCIL,
MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY,

I HAVE been acquainted with the resolution passed by the Honourable House of Assembly on the subject of the proposed Confederation of the British North American Colonies, to the effect that for the reasons set forth the House deems it desirable to submit the question to the consideration of the people before the decision of the Legislature is taken upon it; and that for this purpose final determination upon this important subject should be deferred until the next meeting of the Legislative bodies.

Under other circumstances I might perhaps have viewed with regret any delay in dealing with a subject on which Her Majesty's Imperial Government have exhibited so warm and generous an interest. But, as it is almost certain that some of the other Colonies concerned in the proposed arrangement will not, during the session of the present year, declare any definite judgment on that arrangement, and its immediate success when put into operation will much depend upon the true spirit and intention of the suggested Confederation being comprehended and appreciated by the people whom it is designed to serve, I am not now disposed to dissent from the view which you have taken of the matter, or the course you have adopted. Her Majesty's Government would not desire to force any important modification of the local constitution upon the acceptance of the people of the Colony against temperate and deliberate declaration of unwillingness to receive it; and it is desirable that the community should fully understand the advantages of that to which their assent is sought. But the nation has a right to expect the Colonies to accept, and does look to them to assume, their legitimate portion of those charges and responsibilities which are the inevitable concomitants of self-government and free political institutions; and Her Majesty's ministers justly regard with favour a project of union which will mutually and materially strengthen each for sustaining the burden which must be borne by all.

RESOLUTION to be proposed in a Committee of the whole House on the subject of a Confederation of the British North American Colonies.

Resolved, That having had under their most serious and deliberate consideration the proposal for the formation of a Federal Union of the British North American Provinces, upon the terms contained in the report of the Convention of Delegates held at Quebec on the 10th of October last, the Despatch of the Right Honourable the Secretary of State for the Colonies, dated December 3, 1864, the observations of his Excellency the Governor in relation to this subject in his opening speech of the present session, and the report of the Newfoundland delegates, this Committee are of opinion that, having regard to the comparative novelty and very great importance of this project, it is desirable that, before a vote of the Legislature is taken upon it, it should be submitted to the consideration of the people at large, particularly as the action of the other Provinces does not appear to require that it should be hastily disposed of, and as (the present being the last session of this Assembly) no unreasonable delay can be occasioned by this course; and they therefore recommend that a final determination upon this important subject be deferred to the next meeting of the Legislature.

No. 5. No. 5.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 40.) Government House, Newfoundland, April 19, 1865.
(Received, May 9, 1865.)
(Answered, No. 20, May 11, 1865, page 155.)

SIR,

MY Despatch dated the 13th of April, No. 35,* enclosing copies of the speech with which I closed the Legislative Session, and of the Resolution passed by the Assembly on the subject of the proposed Confederation of the North American Provinces, was written some days before I had the honour to receive yesterday your Despatch No. 15,† of the 17th March, in which you express regret at the likelihood of delay in adoption of the project, and state that you would be very glad to hear that I were able to announce a favourable decision on the part of the Local Legislature. I had in that Despatch already acquainted you that any attempt to force the acceptance of the project would only have ensured defeat; and it is believed on what I regard as good reasons, that after an adverse decision by the existing House of Assembly, an appeal to the constituencies

* Page 140.

† Page 154.

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would be made under disadvantageous conditions. It only remains for me to add a few further observations in explanation, which I hope will be satisfactory.

2. Although propositions for a general Confederation of all the continental Provinces, and also for the union of Nova Scotia, New Brunswick, and Prince Edward Island as a minor arrangement, have from time to time been the subjects of discussion in those communities, Newfoundland was not included in any of such schemes until late in the last summer, and the matter had really received little if any consideration. A very large proportion of the population are still so ignorant of the subject, or its bearings upon their interests, that they could easily be misled by the misrepresentations of the designing among the needy unscrupulous politicians so numerous in these Colonies, who, if the opportunity were afforded to them, would be ready to use it for grasping at power by persuading the masses that an attempt is being made to deprive them of their liberties. And it would not be difficult by incaution to produce a state of public feeling which would not only postpone indefinitely any Federal arrangement, but very seriously embarrass the judicious conduct of local affairs for some time to come.

3. It has been felt that it was necessary to proceed tentatively, to lead to, rather than compel the concurrence of the community in that which is proposed; and for this purpose it has been regarded as especially important to avoid dealing with the matter as a measure of the local government or "party" question. To have done so would have enabled the organization of an opposition definitely upon this ground, who, with a plausibility sufficient for the delusion of a large number of the more ignorant of the electors, would, in the event of what might be considered a hostile dissolution of the Assembly by the Government, most probably have been able, as has happened in New Brunswick, to influence the elections to an extent decidedly adverse to the reception of the proposals of the Quebec Conference, and greatly obstructing the salutary administration of the business of the Colony in any respect. I cannot escape from the impression that imprudent haste has caused the present state of affairs in New Brunswick, which certainly have produced injurious effects in the contiguous Provinces, and I learn, on authority which I may trust, that the Legislature of Nova Scotia is already engaged in the consideration, not of the proposals of the Quebec Conference, but of the previous scheme for the Union of the Lower Maritime Colonies.

4. For the reasons which I have mentioned it has been regarded as peculiarly expedient to evade any necessity for a dissolution of the Assembly. Much care was taken to prevent such a course being forced upon the Government, and with so much success that, as I mentioned in my Despatch No. 27,* of 23rd February, no overt attempt has been made to procure a declaration hostile to the proposed Union.

* Page 139.

5. But even if greater doubt had been felt as to the impropriety of a dissolution, there are serious practical obstacles to the adoption of such a course. It would be quite as easy now to dissolve the Assembly as it was two months ago, but not less difficult than then to appoint a time for the new elections which would not cause much dissatisfaction and lead to unfavourable results. The greater portion of the electors are seafaring men, who, at this time of the year, are absent from their places of residence while engaged in the prosecution of the seal fishery, and who almost immediately on relinquishing that occupation go to sea again during the summer season to fish for cod. Except under very unusual circumstances, it is scarcely possible fairly to hold a general election at any other time than in the autumn, for, during the winter, communication with many portions of the Government is absolutely impracticable.

6. I can assure you that all these considerations have been very carefully weighed, both by myself and my advisers, and I trust you will find that your confidence has not been misplaced in relying, as you have been pleased to say, on the judgment which I may form upon the spot with the aid of local information.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) A. MUSGRAVE.

No. 6.

No. 6.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 64.) Government House, Newfoundland, July 11, 1865.

(Received July 29, 1865.)

SIR, (Answered No. 36, August 4, 1865, page 156.)

I HAVE had the honour to receive your Despatch No. 31,* of the 24th June, with a copy of a correspondence between Viscount Monck and yourself on the affairs of

* Page 155.

British North America, which have lately formed the subject of conferences between Her Majesty's Government and a deputation from the Canadian Government. NEWFOUNDLAND.

2. The late House of Assembly expired in May, the new elections will not take place until November, and the Legislature can hardly be called together till January; but these papers shall then be laid before them. I think, however, that it will be desirable that the declared views of Her Majesty's Government should be made known as early and as generally as possible, and with this view I propose to publish your Despatch and its enclosure in the local Gazette.

3. It would be premature to express a confident opinion as to the result of the new elections with regard to the question of Confederation, for there is without doubt much opposition to the proposal on the part of the mercantile body, which is very influential with many of the electors. But I am of opinion that the course of the Legislature will be much guided by the action of the Imperial Government, and the proceedings of Nova Scotia and New Brunswick, especially of the latter Province, where it appears to me that the issue will really be decided. My leading advisers are, I believe, strongly and cordially disposed to support the policy of Her Majesty's Imperial Government on this subject; the only doubt is with regard to the best mode of doing so effectually, and I am conscious that it is necessary to proceed with caution and judgment to avoid the defeat of our object.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) A. MUSGRAVE.

No. 7. No. 7.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 69.) Government House, Newfoundland, August 19, 1865.

(Received September 11, 1865.)

(Answered No. 42, September 30, 1865, page 156.)

Sir,

I HAVE the honour to forward for your information a copy of the last Annual Report from the Chamber of Commerce to the Commercial Society. This document is interesting as containing an exposition of the views of the mercantile community upon the subject of the proposed Confederation of the North American Provinces. It will be seen that the feeling disclosed is adverse to Confederation, while there may be detected at the same time an indication of a latent conviction that if the Union is accomplished between the other Provinces Newfoundland will be included. Jealousy of being used as a means of settling Canadian political difficulties, and fear of the cession of a power to tax which it is thought may be made to operate injuriously upon this community for the benefit of others, are the leading causes of objection. I need not trouble you with the answers which I believe may fairly be given to them, as the subject has already been fully discussed, and is not likely to be further elucidated by observations of mine. However unlikely it may be that the other Colonies should combine to impose a tariff on themselves that would be oppressive to Newfoundland, the difficulty lies in the absence of such an assurance as the suspicious commercial body will regard as an efficient protection against what they dread.

I have, &c.

The Right Hon. Edward Cardwell, M.P. &c. &c. &c.

(Signed) A. MUSGRAVE.

Enclosure in No. 7. Encl. in No. 7.

(Extract.)

Many subjects of importance to the trade and commerce of the Colony have engaged the attention of the Chamber during their year of office, but by far the most prominent among these was the project entertained of committing the Colony to a Confederation with the British American Provinces under the terms of certain resolutions adopted at a meeting of delegates from these Provinces, held at Quebec in the month of October last, which were published in our local papers.

Notice having been given by the Honourable Attorney-General in the House of Assembly that he would move the House into committee of the whole on this subject, the Chamber, conscious how deeply the interests of those engaged in the trade and commerce of the Colony would be affected by the proposed Confederation, lost no time in convening a meeting of the Commercial Society with the view of ascertaining the opinion of the society on this momentous question, and of determining the most advisable means for carrying it into effect. In conformity with resolutions unanimously adopted at that meeting a petition was prepared and presented to both Houses of the Legislature, praying that no

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action should be taken to bind this Colony to the proposed union until an opportunity had been afforded of consulting the several constituencies of the Colony on the measure.

A petition of similar purport emanating from a public meeting held in this town, having also been presented to the Legislature, and it becoming apparent that the general feeling of the Colony was adverse to the principle of Confederation on the terms proposed, the session was closed without any action being taken thereon. At the same time it was intimated that the future course of the Government would be guided by the expression of public opinion, as elicited at the forthcoming general election.

The measure having been rejected by Nova Scotia, New Brunswick, and Prince Edward's Island, it is evident that some time must elapse before the proposed Confederation can now be carried out; but as it is equally evident that should the terms of a Union between those Provinces and the Canadas be at any time equitably and satisfactorily settled, every effort will be exerted to include this Colony in it, the Chamber conceives that it is the duty of this society, as well as of all who are engaged in the trade and commerce of the Colony (whose interests, equally with those of all other classes of the population, will be affected by the Union), seriously to consider the results that would ensue from it, and to give effect to their opinion by every legitimate means.

So far as this Chamber is aware, the project of a Confederation of the Provinces was devised as a means of relieving Canada from the political difficulties which have for some time past embarrassed the action of the Legislature, and also of affording more available resources for repelling any act of aggression upon that Province on the part of the adjoining Republic, and of providing access to the Atlantic seaboard at all seasons of the year for its products through territory under its own Government. These are undoubtedly objects well worthy of the zealous efforts of Canadian statesmen; and the latter, two of which would apparently confer proportionate advantages on the Provinces of New Brunswick and Nova Scotia, but it is difficult to see what interest this Colony can have in any one of these objects to justify the sacrifice of its independent legislative position and the assumption of a share of the enormous expenditure that must be incurred for the support of the general government; for the erection of efficient defensive works along the frontier of Canada and New Brunswick; for the maintenance of a military and naval force adequate to the defence of the Provinces; and in all probability for the construction of many public works of advantage to the Provinces only.

These expenditures, and that required by the various local governments, would necessitate the imposition of a very high tariff of import duties, which would press with peculiar and unequal severity on this Colony, which possesses but few manufactures or products of its own beyond those of its fisheries, and has to supply all its wants by imports from abroad.

It is, moreover, to be apprehended that the operation of such a tariff would divert much of our commerce from its accustomed and most convenient and advantageous channels, by compelling our importers to have recourse, not to the cheapest markets, as at present, but to the confederated Provinces, whence, in consequence of the protection that will be afforded by the tariff to their products, many of our requirements will have to be procured, even though inferior in quality and higher in price.

The Chamber is aware of no advantage likely to result from the proposed Confederation that will at all compensate for these disadvantages attending it.

It can open no new or more extensive market for the products of our fisheries, nor does it hold out a prospect of developing new resources within the Colony or of extending those we now possess.

No. 8.

No. 8.

EXTRACT from a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P., dated Government House, Newfoundland, November 14, 1865.

(Received December 4, 1865.)

(No. 75.) (Answered No. 52, December 20, 1865, page 156.)

With respect to the special question of the Confederation of the North American Provinces I cannot speak so confidently. I fear that the new House will not be disposed to assent to that arrangement, at least on the basis of the resolutions of the Quebec Conference, to which exception is taken in some particulars, unless it is made clear to them that the Imperial Government will press decidedly for the accomplishment of the design in some form, and unless also it is apparent that the question is approaching a satisfactory solution in New Brunswick and Nova Scotia. But in these latter circumstances I think it may be quite possible to obtain an affirmation of the general principle that Union of all the Colonies will be desirable, if the other Maritime Provinces agree upon the terms of that Union, and subject to such an adjustment of them as will be regarded as equitable to this Colony. After a recognition of the principle involved I should not anticipate any very serious difficulty in settlement of the details, if only some such slight modifications of the scheme should be conceded as would supply members of the Assembly with an excuse for changing their opinions.

No. 9.

No. 9.

EXTRACT from a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P., dated Government House, Newfoundland, February 20, 1866.

(No. 91.)

(Received March 14, 1866.)
(Answered No. 10, March 23, 1866, page 157.)

I HAVE the honour to transmit copies of the Speech with which I opened the Annual Legislative Session on the 30th of January, and of the Addresses which I have received in reply from the Council and Assembly.

You will observe that in the reply of the Council the abstract principle that Union would be advantageous has been acknowledged, and in that of the Assembly while not expressly affirmed it is not denied, though in both there are reservations as to the details of the arrangement. In order that the value of the expressions in these documents should be fairly estimated, it is necessary to explain that according to the usage prevailing in this Colony the Address in reply to the Governor's Speech is not as in the Imperial Parliament a mere echo of that speech prepared and introduced at the instance of the Government. It has been the practice to appoint a committee drawn from the different parties in the house to draft a reply, which is then submitted for adoption by the House. And upon this free discussion has frequently arisen. In the present instance there was more than usual debate upon the address.

The paragraph relating to Confederation stood originally in the draft as shown in the Enclosure No. 3. Upon this amendments were moved by Mr. Glen, a member of the opposition, which I have forwarded in the Enclosure No. 4. These amendments were rejected by a majority of 11 in a house of 23 members. As hesitation, however, had been shown by some of the usual supporters of the Government to sustain the paragraph exactly as it stood originally framed, an amendment was moved by Mr. Hayward, the Solicitor-General, as a middle course, which was carried by the same majority of 11, and is now embodied in the Address. This was not regarded with satisfaction by the opposition, and a renewed attempt was made to obtain a vote at least hostile to the scheme of the Quebec Conference. For this purpose another amendment was moved by Mr. Talbot, of which I enclose a copy (Enclosure No. 5), but this was also rejected by the same majority, and there was no further opposition.

I trust you will approve of the observations which I made both in my opening speech and in my replies to the Addresses from the Council and Assembly. My object has been, without exciting factious opposition, to maintain a gentle pressure towards the consideration of the details of the measure. For my own part I am tolerably well satisfied with the present position of the question. I regard the principle of the proposed Confederation to have been virtually conceded; and if the other Provinces consent to the Union, I have little doubt that it will only remain for us to settle the terms upon which Newfoundland shall unite in the measure.

Enclosure 1 in No. 9.

Encl. 1 in No. 9

EXTRACT from SPEECH of his Excellency Governor MUSGRAVE, on opening the First Session of the Ninth General Assembly, January 30, 1866.

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE COUNCIL:
MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY:

THE proposed union of the British Provinces in North America continues to engage the anxiou solicitude and friendly interest of Her Majesty's Government. Despatches from the Secretary of State upon this subject will be laid before you. Believing, as I do, that the abstract advantages of union, upon general principles, must be so obvious as to be almost necessarily acknowledged, it would appear that any questions which may be raised can only affect the terms upon which it may be possible equitably to accomplish such a union as would be desirable. I am satisfied that Her Majesty's Imperial Government, as well as the Governments of the other Provinces, will receive and consider with courteous attention any proposals that you may think fit to offer on this subject. That the completion of the union between the other provinces is certain, and will only be a matter of time and arrangement, most thoughtful persons are convinced. It may become an affair of vital consequence to this community not to fall into an isolated position in the final settlement, which cannot fail to exercise the greatest influence on the future of all the British possessions in North America.

This is the first occasion afforded to me of acquainting you that the Government of the United States have formally communicated to Her Majesty's Government their intention to terminate the Reciprocity Treaty between the two nations in twelve months after the communication of such notice, in conformity with the provisions of the treaty.

Negotiations are in progress for its renewal for a further term; but I have been informed by the Secretary of State, that in the opinion of Her Majesty's Minister at Washington the necessity of having to submit a treaty of commerce to the separate action of the various provincial Legislatures would be a serious difficulty in his way, and that the union of the Provinces would afford the best hope of obtaining such a treaty.

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Her Majesty's Secretary of State for Foreign Affairs having suggested that much embarrassment, delay, and difficulty would be avoided if the faculty of giving an opinion to Her Majesty's Government in the negotiation of commercial treaties were vested in a Confederate Council, chosen by all the North American Provinces and presided over by the Governor General of Canada, I was acquainted by the Secretary of State for the Colonies that he had addressed the necessary instructions to the Governor General, and I was directed to co-operate with him accordingly.

For this purpose I appointed the Honourable Ambrose Shea, a Member of the Council of Government, as a delegate for this Colony to the Confederate Council of Trade, which met at Quebec in October last. His report of the proceedings of the Council shall be furnished, in due time, for your information. One result of their consultation has been a mission to Mexico, Brazil, and the British and Foreign West Indian Colonies, for the purpose of ascertaining in what manner the traffic of the Provinces with these countries can be extended and rendered more advantageous. Invitation was given to the Government of this Colony to send a representative, but it was not thought necessary to make a special appointment, as it was believed that the purposes of this community would be fully served by the result of the inquiry on behalf of the larger Provinces. So soon as I have been acquainted with the report of this mission, it shall be communicated to you.

I have to request your consideration of the Act passed during the last session of the Imperial Parliament, "to make better provision for the naval defence of the Colonies." The Despatch, and other documents which I have received from the Secretary of State, relating to this important measure, shall be furnished to you. The object of this enactment is to enable the colonial possessions of Her Majesty to render their fair proportion of assistance towards their own defence, and for this purpose to raise volunteer forces to form part of the naval reserve, established under the Imperial Statute of 1859, and also, if it should be thought desirable, to provide and man vessels of war. I am confident that if only the necessary funds are furnished for such allowances as are made by the Imperial Act to naval volunteers duly enrolled, there would be no difficulty in organizing a colonial brigade very creditable to this community. The Secretary of State has justly said that he need not enlarge upon the importance of the object which Parliament has had in view in passing this enactment, and he trusts that the advantages which will result from its adoption will be fully appreciated. The parent State has ceased to be content to assume the whole cost and responsibility of the defence of the Colonies and their special interests. On the completion of the Colonial Confederation, the expenditure, for the purpose under consideration, would be among the charges resting upon the Federal Administration, but, under other circumstances, it will be incumbent upon each Colony, separately, to make provision for a duty which will become unavoidable.

Encl. 2 in No. 9.

Enclosure 2 in No. 9.

On Tuesday the 20th instant the members of the Honourable the Legislative Council presented to his Excellency the Governor, at the Government House, the subjoined address in answer to his Excellency's speech on opening the legislative session ; viz.:

(Extract.)

To his Excellency ANTHONY MUSGRAVE, Esquire, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

UPON the question of the proposed Confederation of the British North American Colonies, while recognizing the policy of Union as a sound political principle, we are of opinion that important modifications of the present terms of the proposed convention are indispensable, and that assurances should be given which it does not now contain ; and we feel confident of the aid of Her Majesty's Government in the promotion of this object, and that the necessary steps will be taken with the other British Provinces for the more deliberate consideration of a measure of such radical importance before it shall be definitely submitted for determination to the Legislature of this Colony.

LAURENCE O'BRIEN, President.

Legislative Council, February 8, 1866.

To which his Excellency was pleased to make the following reply:

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE COUNCIL:

I RECEIVE your address with satisfaction, and will consider with care your remarks on the subjects which I offered to your notice at the opening of the session.

Your observations on that specially important question, the proposed Confederation of the North American Provinces, I will readily submit for the information of Her Majesty's Secretary of State, from whom I have no doubt they will receive careful attention ; as I know that Her Majesty's Imperial Government will be most willing to render any aid they can afford in effecting the Union on principles equitable to all the parties concerned in the arrangement.

On Tuesday the 20th instant Mr. Speaker and the Members of the Honourable the House of Assembly presented to his Excellency the Governor, at the Government House, the subjoined Address in reply to his Excellency's Speech on opening the legislative session, viz.:

(Extract.)

To his Excellency ANTHONY MUSGRAVE, Esquire, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

ON the important question of Confederation, in recognizing the solicitude of Her Majesty's Government for the welfare of the Colony, we concur in the view of your Excellency that the abstract advantages of union are so obvious as to be almost necessarily acknowledged, while with regard to this Colony, and on the details of so grave a measure, it is natural that much diversity of opinion should prevail, and this is a matter which should engage our serious attention.

Passed the House of Assembly, Feb. 19, 1866.

W. V. WHITEWAY, Speaker.

To which his Excellency was pleased to make the following reply:

MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY:

HER MAJESTY'S Secretary of State for the Colonies will be glad to receive the expression of your opinion that the proposed Confederation of the British North American Provinces is a matter which should engage your serious attention. It is the avowed policy of the Imperial Government to carry the Union into effect; and minor objections on the part of detached Colonies must of necessity give way before the pressure of the more weighty motives of national interest. But Her Majesty's Government will be most ready to afford their aid in so adjusting the details of the measure as to render the arrangement equitable to all parties concerned. It is for this reason that I am anxious that this Colony should not, by unnecessary delay, place itself in a position unfavourable to negotiations. And I, therefore, as Her Majesty's Representative, immediately responsible to Her Majesty's Ministers in respect of all questions of Imperial policy, recommend you, for the information of Her Majesty's Government, to consider this question, and to decide upon the terms under which, in your opinion, the Colony may with advantage join in the proposed Union.

Enclosure 3 in No. 9.

Encl. 3 in No. 9.

ORIGINAL CLAUSE IN THE DRAFT ADDRESS.

On the important question of Confederation, in recognizing the solicitude of Her Majesty's Government for the welfare of the Colony, we concur in the view of your Excellency, that the abstract advantages of union are so obvious as to be almost necessarily acknowledged, while on the details of so grave a measure it is natural that much diversity of opinion should prevail as to the terms on which. with advantage to the Colony, we could consent to join in the proposed Union.

Enclosure 4 in No. 9.

Encl. 4 in No. 9.

MR. GLEN'S RESOLUTIONS.

Resolved, That as the Representatives of the people of Newfoundland, and as guardians of the welfare of its inhabitants, we could not think for a moment (as proposed by the Quebec Convention), the giving up the advantages we have so long enjoyed of a separate Government, so graciously conceded by Imperial authority to the people of Newfoundland.

And whereas by the report of the Quebec Convention various extensive and costly works, both civil and military, are intended to be prosecuted in the other Provinces by the General Government of the proposed Confederation, which would necessarily impose great taxation on the people of Newfoundland, without their being benefited (from their isolated position) one farthing, by all that vast expenditure.

And whereas the amount proposed to be paid to Newfoundland in full settlement of all future demands, is a very inadequate compensation for the surrender of our separate Government, and of our revenue from import duties, the surrender of all our ungranted lands, our mines and minerals, the power the General Government would have of taxing our exports of fish and oil, the power of levying local taxes in our Colony, and also, the power of raising money in Newfoundland, by all, or any other modes and systems of taxation.

Resolved, That the report of the Quebec Convention, however well adapted in any of its principles to the state and circumstances of the continental Provin es, is in no respect suitable to Newfoundland, and would, if accepted, prove inimical to the prosperity, happiness, and well-being of its inhabitants.

Enclosure 5 in No. 9.

Encl. 5 in No. 9.

MR. TALBOT'S AMENDMENT.

Mr. Talbot moved the following as an amendment upon the whole clause:—

On the important question of Confederation, in recognizing the solicitude of Her Majesty's Government for the welfare of the Colony, we concur in the view of your Excellency that the abstract advantages of union, are, in some cases, so obvious as to be almost necessarily acknowledged, while with reference to this Colony the great preponderance of opinion is decidedly adverse to our entering the proposed Confederation of the British North American Provinces on the basis of the Quebec resolutions.

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No. 10.

No. 10.

EXTRACT from a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 97.) Government House, Newfoundland, March 21, 1866.

(Received April 9, 1866.)

SIR, (Answered No. 13, April 14, 1866, page 157.)

A FEW days after the departure of the last mail, by which I forwarded my Despatch No. 91,* of the 20th ultimo, Mr. Hogsett, who assumes the position of leader of the opposition in the Assembly, gave notice of motion for a committee of the whole House on the subject of the proposed Confederation of the North American Provinces, and of his intention to move the resolutions of which I annex a copy; and of which the adoption would involve the entire rejection of the proposal.

* Page 145

There is good reason to believe that the proceeding originated less in an honest opposition on Mr. Hogsett's part to the principle of Confederation, to which indeed it is known that he had previously expressed himself as favourable, than in a desire to embarrass the administration, and the hope, by pressing the subject, of dividing their usual supporters, among whom diverse opinions upon the question are entertained; for I and my Council have always been of opinion that it would be undesirable to allow a subject so important to the welfare of all these Colonies to be forced into the position of a mere local party question, and so made to afford ground for the exercise of petty political manœuvres, as Mr. Hogsett no doubt intended in the present instance.

If the matter had been riper for decision, and there were a prospect of obtaining a deliberate judgment at this stage favourable to Confederation, before the other Provinces have taken a decided course, the action of Mr. Hogsett would have been unimportant and probably would not have been attempted. But the great object of the advocates of Union in present circumstances is obviously to guard against an adverse vote, and for this purpose to leave the subject in such a position as will content the waverers in opinion, who otherwise would vote with the opposition as the safer course, and to keep it alive for consideration while preserving the Legislature from being committed to any judgment until the action of the other Provinces shall be known and we can more clearly see what would be our most judicious course.

When the motion of Mr. Hogsett came on for discussion, the Attorney General, therefore, moved the amendment on his resolutions which I also annex; and after some debate, in which nothing new was adduced in support of the arguments before used in opposition, the amendments were carried on the 8th March by a vote of eighteen against seven.

I see no reason to modify the opinions which I expressed in my former Despatch No. 91. The result here will, I still believe, depend upon the course of the other Provinces, and I think that public opinion has quite as much advanced towards the Union as in Nova Scotia or New Brunswick; though I fear that some little check and temporary discouragement may have been given by the circumstance that the subject was passed over altogether without notice in the speech of the Lieutenant-Governor of Nova Scotia in opening the legislative session in that Province. This fact has attracted some attention, and it may be supposed that the omission has been caused by some weakness or division in the Government with regard to this special matter; but I have since learnt through a private note from Sir Fenwick Williams, that there is good hope for success in Nova Scotia when New Brunswick shall have done her part.

* * * * *

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) A. MUSGRAVE.

Encl. 1 in No. 10.

Enclosure 1 in No. 10.

RESOLUTIONS to be proposed in Committee of the whole on Confederation of the North American Provinces.

WHEREAS the question of Confederation has been brought before the people of this Colony and the Legislature thereof, by a Despatch from the Principal Secretary of State for the Colonies, bearing date, Downing Street, 3rd December 1864, and by resolutions adopted by the Quebec Conference accompanying the same:

Resolved, That the circumstances of this Colony present insuperable difficulties to the adoption, by its people, of the proposed Confederation, and that the almost universal opinion of the inhabitants of Newfoundland is opposed to an union with Canada.

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Resolved, That under the constitution at present enjoyed by the people of Newfoundland, the principle of self-government has been fully conceded and recognized by the parent State, and therefore this House cannot assent to the proposition contained in his Excellency's reply to the address of this House, that "the minor objections of this Colony should, of necessity, give way before the pressure of "the more weighty motives of national interest," without the assent of the people of this Colony being first had thereto.

Resolved, That under any circumstances the conditions of the Quebec Resolutions, as regards this Colony, are for the most part inapplicable to its necessities, and are not calculated to carry out the objects proposed to be subserved by the said Resolutions.

Encl. 2 in No. 10.

Enclosure 2 in No. 10.

AMENDMENT on Resolutions proposed in Committee of the whole on Confederation of British North American Provinces.

WHEREAS this House has recently, in the reply to the speech of his Excellency the Governor, on opening the present session, abstained from pronouncing any decision on the proposal for a Union of the Colonies, or on the details of that measure as regards this Colony, and considering the present uncertain state of public sentiment on this grave question, and being unadvised of the action thereon that may be taken or contemplated by the other Provinces, it is

Resolved, That whilst duly regardful of the momentous character of this subject, and of the promise to his Excellency to give it attention, yet, as no information has been received demanding its immediate reconsideration, this House does not deem it expedient to enter upon its discussion with a view to any decision thereon.

No. 11.

No. 11.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P.

(No. 103.) Government House, Newfoundland, May 1, 1866.

(Received, May 21, 1866.)

SIR, (Answered, No. 15, May 25, 1866, page 175.)

I HAVE the honour to enclose copies of the speech with which I have to-day closed the legislative session.

2. It has not been regarded as expedient by the advocates of Confederation to make any further movement on this subject at this time; and as the session has already been protracted, and members of the Legislature are becoming impatient to return to their ordinary employments at the commencement of the busy season of the year, it does not seem desirable to defer the prorogation which my Ministers urge.

3. If the progress of events in the other Provinces towards the completion of the Union should prove to be more rapid and decided than I at present anticipate, it will always be open to me to call the Legislature together when necessary. But notwithstanding the recent Resolutions of the Council and Assembly of Nova Scotia, the political complications in New Brunswick and Prince Edward Island lead me to think it practically impossible that the question of union can be brought into a shape fit for the action of the Imperial Parliament during the present session; and in this case I see no harm likely to result from temporary inaction on our part, while present caution may eventually assist in effecting the final settlement of the question.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) A. MUSGRAVE.

Encl. in No. 11

Enclosure in No. 11.

EXTRACT from SPEECH of his Excellency Governor MUSGRAVE, on closing the First Session of the Ninth General Assembly, May 1, 1866.

MR. PRESIDENT, AND HONOURABLE GENTLEMEN OF THE COUNCIL:

MR. SPEAKER, AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY:

I have been officially acquainted with the passing of a resolution by the Legislature of Nova Scotia authorizing the Governor of that Province to appoint delegates to arrange with the Imperial Government a scheme of Union which will effectually ensure just provision for the rights and interests of that Province.

From information which I have received, there appears to be reason for expecting that the Legislature of New Brunswick will speedily adopt a like proceeding. And it is not improbable that the Legislature of Prince Edward's Island will take the same course during their present session. It will remain for you, when you next meet, to finally consider and decide upon this question, whether Newfoundland is to be disregarded in the consolidation of British interests, and the formation of a State which, ceasing to be a mere group of Colonial dependencies, cannot fail to become a great and important portion of the British Empire.

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No. 12.

No. 12.

EXTRACT from a DESPATCH from Governor MUSGRAVE to the Right Hon. EDWARD CARDWELL, M.P., dated Newfoundland, July 10, 1866.

(No. 115.) (Received, July 28, 1866.)

"I HAVE the honour to forward for your information copy of a Despatch which I have addressed by the present mail to Lord Monck.

"2. The first of these enclosures will explain why this Government does not join in the action of the other Colonies by sending Delegates on the question of Confederation, as without the authority of the Legislature they could not be armed with any powers for the settlement of the terms of union; and I have also therein stated the reasons which cause it to be regarded as inexpedient to convene the Legislature at this time for further discussion of the question. I have, therefore, little to add beyond enclosing a copy of the Minute of the Executive Council upon the subject.

"3. I do, however, cherish a strong hope, notwithstanding the present inutility of pressing the Legislature for an assent to union, that before their next meeting in January the progress of events will exercise an important influence upon their opinions. And I am confident that, if Her Majesty's Government should attach any importance to including Newfoundland in the projected arrangement, a strong expression of your views and of the consequences which may be expected to flow to this particular Colony from an ignorant persistence in the policy of isolation, and in opposition to the wishes of Her Majesty's Government, would have great effect upon the determination of the Legislature. An effect so great indeed that I think it would probably accomplish the end in view. I am induced to believe this by my knowledge of the statements which are circulated that Her Majesty's Government care little, if at all, for the connexion of Newfoundland with the other Colonies, and that this Colony has nothing to lose by remaining in her detached position. The particular or immediate advantages to be obtained by entering the Confederation it is not easy to demonstrate, however well convinced may be the advocates of union of the ultimate benefit of the arrangement. And it would be cogent argument in favour of the proposal if it can be shown that it cannot be refused without the loss of advantages at present enjoyed, and which it is too readily assumed are to be retained at the cost of the Imperial Government."

Encl. 1 in No. 12.

(No. 146.) Enclosure 1 in No. 12.

MY LORD, Government House, Newfoundland, 10th July 1866.

I HAVE received a Despatch from the Lieutenant-Governor of Nova Scotia, in which he communicated to me at your request that it is the intention of the Governments of Canada, New Brunswick, and Nova Scotia to send Delegates forthwith to England on the subject of the Confederation of the British North American Provinces, and he stated that it was your Lordship's hope that I would be enabled to call my Legislature together in time to avail myself of the action which it is hoped may be taken by the Imperial Parliament before its prorogation in passing the necessary Act for this purpose.

2. It would afford me the greatest satisfaction to be able to carry out your Lordship's wishes, and obtain the assent of the Legislature at once to the completion of the arrangement. But I regret to say that on consultation with my Council I am advised by them that there is no reasonable ground at present for anticipating other than an adverse decision from the Legislature if the question of Union should now again be pressed upon them; nor does it seem probable that a dissolution would at this time affect the result, and no change of administration would be of any service, as it is well known that the Opposition all hold anti-confederate opinions. When the Legislature is induced to assent to the proposed union, as I yet hope will be the case, the assent must be accomplished through modification of the views of members who on all other matters are supporters of my present Government, and I believe some little time is necessary for this purpose. Undue haste might, and I fear probably would, only have the effect of entailing upon the Colony an expense of some 7,000*l.* for a special session, complicate future proceedings by a decidedly adverse vote, and compel a dissolution, causing much outlay to the advocates of the project, which may induce some to withdraw from the conflict, and ultimately produce no good result.

3. Reluctant as I am to be forced to this conclusion, I am constrained by the circumstances to agree with the Council that it will be best to wait for the re-assembling of the Legislature in due course in January, by which time the action of the Imperial Parliament, if any should be taken during this session, will exercise important influence on public feeling. But as yet great doubt is entertained, in which I admit that I share, whether time will be afforded for the passing of any measure during the present session, and still more whether it will be regarded by the Imperial Government as possible to do so on indefinite resolutions without previous reference to the local Legislatures for ratification of the terms of the agreement, the re-arrangement of electoral districts, and the numerous details which must be adjusted touching the local constitutions under the new system, none of which have yet been agreed upon, and all of which can scarcely be settled by an Act of the Imperial Parliament.

4. I shall transmit to the Secretary of State a copy of this Despatch.

I have, &c.

His Excellency the Right Hon. Viscount Monck. (Signed) A. MUSGRAVE.

Enclosure 2 in No. 12.

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Encl. 2 in No. 12.

GOVERNMENT HOUSE, 10th July 1866.

At a Meeting of Council held this day,

Present: All the Members except Solicitor-General.

THE Governor stated that he had directed a meeting of the Council to be convened for the purpose of submitting to them the following Despatch from Sir F. Williams, and that he desired to ascertain from the Council their opinions as to the propriety of acting upon the suggestion of Lord Monck and calling the Legislature together for the purpose of some action on the question of Confederation, now that New Brunswick and Nova Scotia had both declared decidedly in favour of union, and that Delegates are about to proceed to England from those Provinces and Canada for the purpose of carrying the arrangement into effect.

(Despatch.)

The Council were of opinion that it was not practicable at the present time to give effect to the desire expressed in that communication. When our Legislature was in session, New Brunswick had not affirmed the principle of union, and there being no practical necessity for coming to a conclusion in this Colony, the matter was left open for future consideration.

The Council are of opinion that the Assembly at the present time would not adopt the measure of Confederation, public opinion not having yet been so changed by the action of Nova Scotia and New Brunswick as to warrant the expectation that it could now be submitted either to the Legislature or the constituencies with a reasonable hope of success.

(Signed) J. BEMISTER,
Colonial Secretary.

No. 13.

No. 13.

COPY of a DESPATCH from Governor MUSGRAVE to the Right Hon. the Earl of CARNARVON.

(No. 117.) Government House, Newfoundland, August 7, 1866.

(Received, August 27, 1866.)

(Answered, No. 8, August 30, 1866, page 157.)

MY LORD,

I HAVE the honour to forward a memorial to Her Majesty which has been presented to me for transmission to your Lordship, of which the prayer is in substance that nothing may be done for the purpose of including Newfoundland in any scheme of Union with the other Provinces, until the question of Union shall have been definitely submitted to the people at a general election. I annex a printed copy.

2. It is not very obvious why any uneasiness should be felt on the point which causes apprehension, as no attempt has been made in the existing Assembly to force a decision on the question of Union, nor has it appeared that any such attempt was likely during the last session to be successful. The arguments used in the memorial are weak and scarcely consistent. I do not in fact regard this document or the manner in which it has been produced as of any importance, nor as indicating with any truth the present state of public feeling.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c &c. &c.

(Signed) A. MUSGRAVE.

Enclosure in No. 13.

Encl. in No. 13.

To Her Most Gracious Majesty the Queen.

MAY IT PLEASE YOUR MAJESTY,

The Petition of the undersigned Merchants, Traders, Fishermen, and other inhabitants of Newfoundland, most humbly sheweth:—

THAT under Your Majesty's gracious favour this Colony has for many years enjoyed the blessings and privileges of self government and local legislation, the imposition and appropriation of duties and taxes, and the general management of its local affairs.

That the sentiments of all classes of its people have been and still are of the most loyal and devoted character: that its necessities or demands for protection from the foreign enemy or from internal disturbance have never been a heavy burthen or a serious cost to the Imperial Exchequer; while from the fact of its staple products being confined to fish and oil, and the country having limited agricultural and no manufacturing resources, its chief import trade is prosecuted and its most intimate commercial relations are held with Great Britain. Newfoundland, while holding a prominent and formidable position upon the Atlantic as the point nearest to England, is practically more remote from the principal ports of the Canadas than from Britain itself, and has never had any political and only minor commercial connexion with the former, a connexion which is entirely cut off by sea for nearly six months of the year, during which time there can be no communication with Canada except through the territories of a foreign power, the United States of America. The inhabitants of this Colony would desire to see this Island always retained separately by Britain as its ocean fortress and military outpost in this part of the World, whatever might be the future destiny of the Colonies on the main land; but let the value

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attached to her position in an Imperial view be what it may, the Colony has from its distinct trade and its different characteristics, no community of interests with Upper or Lower Canada, and little with the other Maritime Provinces.

The people regard therefore with grave apprehension and alarm any project which has for its object the union of the Island of Newfoundland with the other British North American dependencies of the Crown. Some reasons which might influence them to receive it with favour are just those which make it undesirable for Newfoundland. The motives which in their case have actuated the policy of Great Britain for the promotion of the Scheme of Confederation are entirely wanting in ours. We are no cause of offence, we are not in the path of possible aggression, or in the way of attack, unless and until the national cause of Great Britain involves us in a common fate. We are a comparatively small burthen on the Home Government, and in the present condition of affairs obtain those supplies from Britain which we should, under the proposed Union, have in a great measure to abandon for the inferior manufactures of Colonies with which we have little trade.

And yet, may it please your Majesty, it is proposed to include this Colony in a Confederation on the basis of the Quebec Convention of 1864, and by this measure to deprive her of those civil, constitutional, and territorial rights, which she has so long held and so dearly prized; and for a loss so great there is no offer of a substantial return.

Our taxation, already burdensome, will be assimilated to the much higher Canadian tariff.

Our revenues will go to the Central Exchequer, and in return we shall receive a sum far below our present income, without any corresponding advantages.

No matter how a rapidly growing population, the development of our resources, or our future necessities, may call for augmented supplies, not to speak of the constantly increasing demands for public improvements; no matter how large at any time our contribution to the Federal finances may be, our receipts from it are proposed to be permanently limited to 112,000*l.* per annum.

The proposed Central Government will also possess the dangerous power to levy duties upon the exports of a Colony whose only wealth and industry lie in *them*, and which from its peculiar circumstances, will be utterly without the means of local taxation wherewith to promote public improvement or relieve its people from a pauperism which to some extent is necessarily chronic and frequently widespread and disastrous.

The chief exports of Nova Scotia and New Brunswick are expressly exempt from the power of Federal taxation.

The people of Newfoundland have no interest and can derive no benefit whatever from the great public works of Canada, existing or projected. There is no provision even made in the Quebec Convention for a connexion by lines of steamers between this Colony and the other Provinces on the one hand, and Great Britain on the other; while for the North Western Territory guarantees for complete territorial connexion are contained.

These are amongst the objections which apply to the Quebec Convention—even if the project of Union could on any basis be made applicable or beneficial to this Colony, its trade and people.

But the peculiar position and circumstances arising from the nature of its trade, its resources, and its geography are such that the Maritime Provinces in their original project of union never contemplated the introduction of Newfoundland. Even when the Canadas proposed to unite with them this Colony was not included until after the convocation of Delegates at Quebec in the Autumn of 1864, when a request was made to our local Executive to send non-official Delegates to be present at the proceedings.

These Delegates were not clothed with any active authority.

The express terms of the Convention show that Newfoundland was only provisionally referred to.

The subject had never been a matter of popular inquiry or political consideration in this Colony up to that time.

Public alarm has been excited by the result of late elections in the continental Colonies, and by the fact that Delegates from them are, it is said, to proceed to Britain to negotiate a Scheme of Union. It is with the view to convey to Your Majesty, our Gracious Sovereign, the aversion of this people to be considered at this time in any overtures or negotiations whatever that may be made or had, that Your Majesty's petitioners on their behalf humbly lay this petition at the foot of the Throne.

If circumstances should hereafter arise to make it less objectionable than it now is for this Colony to be considered in any project of union with the rest of British North America, our people will, Your petitioners feel sure, lend a ready and loyal ear to the Imperial counsels.

In the meantime Your Majesty's petitioners believe the objections to be insuperable; but if they be wrong the voice of all the people of the Colony may be taken at an early and convenient time.

These people are at this time for the most part scattered and engaged in the avocations of the fishery. And it is for this reason that, at this moment of alarm, these petitioners presume to lay before Your Majesty an expression of opinion, and to prefer a prayer which they believe to coincide with the wishes and feelings of the great majority of the people.

In this view they are upheld by the action of the Legislature in its late Session, when, in reply to the Governor's speech at the opening of the Session, it was obliged to give some response to the reference made by him to the subject of Confederation. The reply of the Assembly was as follows:—

"On the important subject of Confederation, in recognizing the solicitude of Her Majesty's Government for the welfare of this Colony, we concur in the view of your Excellency that the abstract advantages of union are so obvious as to be almost universally acknowledged; whilst with regard to this Colony and on the details of so grave a measure, it is natural that much diversity of opinion should prevail. This is a matter which shall engage our serious attention."

By this resolution the House of Assembly, being the representatives of the people, clearly excepted Newfoundland from the application of the principle of Confederation, and also objected to the measure in detail. The expression of opinion which accompanied and followed that passage in the address fully confirms this view, and, for example, the language of the Solicitor-General, who proposed the paragraph, was:—

"The only important words added to the original clause were—'with regard to this Colony and.' This alteration would show that there is not only a diversity of opinion with regard to the detail, but also to the very principle itself. He (Hon. Solicitor-General) desired to be understood that he not only opposed the Quebec Resolutions, but was altogether opposed to the principle of Confederation as far as this Colony is concerned."

The Attorney-General and Premier said:—

"He endorsed the statement of the Hon. Solicitor-General with regard to the non-committal character of his amendment one way or another, and the Government had no desire or intention to adopt any course which would not be generally acceptable." "So far as he (Hon. Attorney-General) was concerned, no measure should be attempted to force it on them in opposition to their wishes, to be gathered from the constitutional channels."

And the Premier again subsequently expressed himself thus:—

"The members of the Executive admitted distinctly when the amendment was agreed to that they did not regard it as affirming or denying the principle of Confederation."

It was in this way and upon these terms and express understanding that the Address of the Assembly on this point was passed.

Even the Imperial body, the Legislative Council, in its address to the same speech, reserved the definite determination for the Legislature at a future time.

Your petitioners' loyal confidence in the assurances of Your Majesty's Ministers, contained in Despatches and openly expressed in Parliament, as well as the affectionate reliance of this people upon Your Majesty's just and gracious consideration of the premises, induce your petitioners thus boldly to adopt a course, which, while it may be unnecessary, is suggested and impelled by the contemplation of the powerful counter influences brought to bear upon a question of such solemn and serious import to Your Majesty's subjects, and by a desire to prevent or remove any possible misapprehension of the present sentiments of the people of Newfoundland, or of the position in which this Colony stands in regard to the Confederation project.

Your petitioners therefore humbly pray Your Majesty that no negotiations may be had or projects entertained contemplating the present comprehension of this Colony in any Scheme of Union with the other Provinces until this question, involving as it does the vital interests and future fate of this dependency of the Crown, shall have been definitely submitted to the people of Newfoundland at a general election of representatives to their House of Assembly.

And, as in duty bound, they will ever pray, &c.

St. John's, Newfoundland, July 4, 1866.

Then follow 3,600 signatures.

Despatches from the Secretary of State.

NEWFOUNDLAND.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 4.)

SIR, Downing Street, January 24, 1865.

* Page 138. WITH reference to that portion of your Despatch No. 16,* of the 27th December, which relates to the modification of the constitution of the Legislature, I have no doubt but that the simpler and more economical form which the Legislature would assume by being consolidated into a single Chamber of moderate numbers would be advantageous to the interests of the Colony; and I am of opinion that you should promote that object by any suitable means within your power.

You will hear from the Governor General what measures are being taken in the other Provinces for obtaining the decision of the respective Legislatures. In the absence of any very serious reason to the contrary, I think it most desirable to obtain that decision without delay.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 9.)

SIR, Downing Street, February 27, 1865.

† Page 139. I HAVE the honour to acknowledge the receipt of your Despatch No. 23,† of the 27th ultimo, forwarding copies of the speech with which you opened the session of the Legislature of Newfoundland.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 15.)

SIR, Downing Street, March 17, 1865.

‡ Page 139. I HAVE the honour to acknowledge the receipt of your Despatch No. 27,‡ of the 23d February, in which you express your opinion that in the present state of the public feeling it would be unwise to press for an immediate decision on the question of the proposed Union, against the almost unanimous desire to defer it until the next session.

With respect to the expediency of the decision you may adopt on this subject, I must rely upon the judgment you may form upon the spot with the aid of local information.

I presume that there are strong objections to the course which has been pursued in the Province of New Brunswick, namely, an immediate dissolution, with a view to the consideration of the question of Union by the newly elected Legislature.

Believing, however, that the adoption of the project would be very beneficial to the real interests of Newfoundland, I much regret the likelihood of delay; and I should be very glad to hear that you were able to announce to me an early and favourable decision on the part of the Provincial Legislature.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 20.)

SIR, Downing Street, May 11, 1865.

I HAVE received your Despatch No. 40,* of the 19th of April, supplying some additional explanations of the course which you have pursued in reference to the question of Confederation of the North American Provinces. * Page 141.

I do not doubt the soundness of the judgment which you formed on the subject, and I have the honour to express my approval of your proceedings.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 5. No. 5.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 22.)

SIR, Downing Street, May 12, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch No. 35,† of the 13th of April, enclosing a copy of the speech with which you closed the Legislative Session on the 7th ult., together with a list of Bills passed by the Council and Assembly, and a copy of the resolution passed by the House of Assembly recommending that a final decision on the question of the Union of the North American Provinces should be deferred to the next meeting of the Legislature. † Page 140.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 6. No. 6.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 31.)

SIR, Downing Street, June 24, 1865.

I HAVE the honour to transmit to you the copy of a correspondence between Viscount Monck and myself on the affairs of British North America, which have lately formed the subject of conferences between Her Majesty's Government and a deputation from the Canadian Government. Vide Papers presented Feb. 7, 1865.

This correspondence having been presented to both Houses of the Imperial Parliament by command of Her Majesty, I have to direct you to communicate it also to the Legislature of Newfoundland at its next meeting.

You will at the same time express the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one government. In the territorial extent of Canada, and in the maritime and commercial enterprise of the lower Provinces, Her Majesty's Government see the elements of power which only require to be combined in order to secure for the Province which shall possess them all a place among the most considerable communities of the world. In the spirit of loyalty to the British Crown, of attachment to British connexion, and of love for British institutions, by which all the Provinces are animated alike, Her Majesty's Government recognize the bond by which all may be combined under one government. Such an Union seems to Her Majesty's Government to recommend itself to the Provinces on many grounds of moral and material advantage, as giving a well-founded prospect of improved administration and increased prosperity. But there is one consideration which Her Majesty's Government feel it more especially their duty to press upon the Legislature of Newfoundland. Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern, the Colonies must recognize a right and even acknowledge an obligation incumbent on the Home Government to urge with earnestness and just authority the measures which they consider to be most expedient on the part of the Colonies, with a view to their own defence. Nor can it be doubtful that the Provinces

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of British North America are incapable when separate and divided from each other of making those just and sufficient preparations for national defence which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole.

I am aware that this project, so novel as well as so important, has not been at once accepted in the other Provinces with that cordiality which has marked its acceptance by the Legislature of Canada; but Her Majesty's Government trust that after a full and careful examination of the subject in all its bearings the Maritime Provinces will perceive the great advantages which in the opinion of Her Majesty's Government the proposed Union is calculated to confer upon them all.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 36.)

SIR, Downing Street, August 4, 1865.

* Page 142. I HAVE received your Despatch No. 64,* of the 11th July, reporting that you proposed to publish in the local Gazette my Despatch No. 31,† of the 24th June, with

† Page 155. its enclosures, on the subject of the conferences held between Her Majesty's Government and a deputation from Canada.

I have the honour to express to you my approval of this course.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 8.

No. 8.

EXTRACT from a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 42.)

SIR, Downing Street, September 30, 1865.

‡ Page 143. I HAVE the honour to acknowledge the receipt of your Despatch No. 69,‡ of the 19th of August, accompanied by a copy of the last Annual Report of the Chamber of Commerce of St. John's, Newfoundland.

* * * * *

I am, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 52.)

SIR, Downing Street, December 20, 1865.

§ Page 144. I HAVE the honour to acknowledge the receipt of your Despatch No. 75,§ of the 14th of November, from which I learn with satisfaction the orderly and peaceable manner in which the proceedings of all parties were conducted during the recent general election.

As regards the very important subject of the proposed Union of the British North American Provinces, I wish you clearly to understand not only that there is no change in the views of Her Majesty's Government, but that we hope that mature consideration will have satisfied the Lower Provinces of the advantages to be derived from such an Union.

I rely upon your discretion in giving effect to the known wishes of Her Majesty's Government in the way most likely to be successful.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 10.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 10.)

SIR, Downing Street, March 23, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 91,* of the 20th of February, enclosing a copy of the Speech with which you opened the Legislative Session of Newfoundland on the 30th January, together with copies of the Addresses which you received in reply from the Council and Assembly.

* Page 145.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 11.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 13.)

SIR, Downing Street, April 14, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 97,† of the 21st of March, enclosing copy of Resolutions moved in the House of Assembly on the question of a Union of the British North American Provinces, and of the Amendment on these Resolutions which was adopted by the House.

† Page 148.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 12.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor MUSGRAVE.

(No. 15.)

SIR, Downing Street, May 25, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 103,‡ of the 1st May transmitting copies of the Speech with which you closed the Legislative Session on that day.

‡ Page 149.

I have, &c.

Governor Musgrave, &c. &c. (Signed) EDWARD CARDWELL.

No. 13.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor MUSGRAVE.

(No. 8.)

SIR, Downing Street, August 30, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 117,§ of the 7th August, enclosing a Memorial to the Queen from certain inhabitants of Newfoundland, praying that the Colony may not be included in any scheme of Union with the other Provinces until the question of Union shall have been submitted to the people at a general election. I have to request you to inform the memorialists that I have laid their Petition before Her Majesty.

§ Page 151.

I have, &c.

Governor Musgrave, &c. &c. (Signed) CARNARVON.

APPENDIX.

Report of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the city of Quebec, October 10, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies.

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

2. In the Federation of the British North American Provinces the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union,—would be a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island, charged with the control of local matters in their respective sections, provision being made for the admission into the Union on equitable terms of Newfoundland, the North-west Territory, British Columbia, and Vancouver.

3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connexion with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Sovereign duly authorized.

5. The Sovereign or Representative of the Sovereign shall be Commander-in-Chief of the Land and Naval Militia Forces.

6. There shall be a General Legislature or Parliament for the Federated Provinces, composed of a Legislative Council and a House of Commons.

7. For the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions :—1st, Upper Canada ; 2nd, Lower Canada ; 3rd, Nova Scotia, New Brunswick, and Prince Edward Island ; each division with an equal representation in the Legislative Council.

8. Upper Canada shall be represented in the Legislative Council by 24 members, Lower Canada by 24 members, and the three Maritime Provinces by 24 members, of which Nova Scotia shall have 10, New Brunswick 10, and Prince Edward Island four members.

9. The Colony of Newfoundland shall be entitled to enter the proposed Union, with a representation in the Legislative Council of four members.

10. The North-west Territory, British Columbia, and Vancouver shall be admitted into the Union, on such terms and conditions as the Parliament of the Federated Provinces shall deem equitable, and as shall receive the assent of Her Majesty ; and in the case of the Province of British Columbia or Vancouver, as shall be agreed to by the Legislature of such Province.

11. The Members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government, and shall hold office during life ; if any Legislative Councillor shall, for two consecutive sessions of Parliament, fail to give his attendance in the said Council, his seat shall thereby become vacant.

12. The Members of the Legislative Council shall be British subjects by birth or naturalization, of the full age of 30 years, shall possess a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, but in the case of Newfoundland and Prince Edward Island the property may be either real or personal.

13. If any question shall arise as to the qualification of a Legislative Councillor, the same shall be determined by the Council.

14. The first selection of the Members of the Legislative Council shall be made, except as regards Prince Edward Island, from the Legislative Councils of the various Provinces, so far as a sufficient number be found qualified and willing to serve. Such Members shall be appointed by the Crown at the recommendation of the General Executive Government, upon the nomination of the respective Local Governments; and in such nomination due regard shall be had to the claims of the Members of the Legislative Council of the opposition in each Province, so that all political parties may as nearly as possible be fairly represented.

15. The Speaker of the Legislative Council (unless otherwise provided by Parliament) shall be appointed by the Crown from among the Members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

16. Each of the 24 Legislative Councillors representing Lower Canada in the Legislative Council of the General Legislature shall be appointed to represent one of the 24 electoral divisions mentioned in Schedule A. of Chapter 1st of the Consolidated Statutes of Canada, and such Councillor shall reside or possess his qualification in the division he is appointed to represent.

17. The basis of Representation in the House of Commons shall be population, as determined by the official census every 10 years; and the number of Members at first shall be 194, distributed as follows:

Upper Canada - - - -	82
Lower Canada - - - - -	65
Nova Scotia - - - -	19
New Brunswick - - - -	15
Newfoundland - - - -	8
and Prince Edward Island - - -	5

18. Until the official census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.

19. Immediately after the completion of the census of 1871, and immediately after every decennial census thereafter, the representation from each section in the House of Commons shall be re-adjusted on the basis of population.

20. For the purpose of such re-adjustments, Lower Canada shall always be assigned 65 Members, and each of the other sections shall at each re-adjustment receive for the 10 years then next succeeding, the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the census last taken by having 65 members.

21. No reduction shall be made in the number of Members returned by any section unless its population shall have decreased relatively to the population of the whole Union to the extent of five per centum.

22. In computing at each decennial period the number of Members to which each section is entitled, no fractional parts shall be considered unless when exceeding one-half the number entitling to a Member, in which case a Member shall be given for each such fractional part.

23. The Legislature of each Province shall divide such Province into the proper number of constituencies, and define the boundaries of each of them.

24. The Local Legislature of each Province may, from time to time, alter the electoral districts for the purposes of representation in the House of Commons, and distribute the Representatives to which the Province is entitled, in any manner such Legislature may think fit.

25. The number of Members may at any time be increased by the General Parliament, regard being had to the proportionate rights then existing.

26. Until provisions are made by the General Parliament, all the laws which at the date of the Proclamation constituting the Union are in force in the Provinces respectively relating to the qualification and disqualification of any person to be elected or to sit or vote as a Member of the Assembly in the said Provinces respectively—and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to Returning Officers and their powers and duties—and relating to the proceedings at elections,—and to the period during which such elections may be continued,—and relating to the trial of controverted elections, and the proceedings incident thereto,—and relating to the vacating of seats of Members,—and the issuing and execution of new writs in case of any seat being vacated otherwise than by a dissolution,—shall respectively apply to elections of Members to serve in the House of Commons, for places situate in those Provinces respectively.

27. Every House of Commons shall continue for five years from the day of the return

Appendix. of the writs choosing the same, and no longer, subject, nevertheless, to be sooner prorogued or dissolved by the Governor.

28. There shall be a Session of the General Parliament once at least in every year, so that a period of 12 calendar months shall not intervene between the last sitting of the General Parliament in one session and the first sitting thereof in the next session.

29. The General Parliament shall have power to make Laws for the peace, welfare and good Government of the Federated Provinces (saving the Sovereignty of England), and especially Laws respecting the following subjects :—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The imposition or regulation of Duties of Customs on Imports and Exports, except on Exports of Timber, Logs, Masts, Spars, Deals, and Sawn Lumber, and of Coal and other minerals.
4. The imposition and regulation of Excise Duties.
5. The raising of money by all or any other modes or systems of Taxation.
6. The borrowing of money on the public credit.
7. Postal service.
8. Lines of Steam or other Ships, Railways, Canals and other works, connecting any two or more of the Provinces together, or extending beyond the limits of any Province.
9. Lines of Steamships between the Federated Provinces and other Countries.
10. Telegraphic communication and the incorporation of Telegraph Companies.
11. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorizing them to be for the general advantage.
12. The Census.
13. Militia—Military and Naval Service and Defence.
14. Beacons, Buoys, and Lighthouses.
15. Navigation and Shipping.
16. Quarantine.
17. Sea Coast and Inland Fisheries.
18. Ferries between any Province and a Foreign Country, or between any two Provinces.
19. Currency and Coinage.
20. Banking, incorporation of Banks, and the issue of paper money.
21. Savings Banks.
22. Weights and Measures.
23. Bills of Exchange and Promissory Notes.
24. Interest.
25. Legal Tender.
26. Bankruptcy and Insolvency.
27. Patents of Invention and Discovery.
28. Copyrights.
29. Indians and Lands reserved for the Indians.
30. Naturalization and Aliens.
31. Marriage and Divorce.
32. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal matters.
33. Rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, and rendering uniform the procedure of all or any of the Courts in these Provinces ; but any Statute for this purpose shall have no force or authority in any Province until sanctioned by the Legislature thereof.
34. The establishment of a General Court of Appeal for the Federated Provinces.
35. Immigration.
36. Agriculture.
37. And generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.

30. The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Federated Provinces, as part of the British Empire, to Foreign Countries, arising under Treaties between Great Britain and such Countries.

31. The General Parliament may also from time to time establish additional Courts, and the General Government may appoint Judges and Officers thereof, when the same shall appear necessary or for the public advantage, in order to the due execution of the laws of Parliament.

32. All Courts, Judges, and Officers of the several Provinces shall aid, assist, and obey the General Government in the exercise of its rights and powers, and for such purposes shall be held to be Courts, Judges, and Officers of the General Government.

33. The General Government shall appoint and pay the Judges of the Superior Courts in each Province and of the County Courts of Upper Canada, and Parliament shall fix their salaries.

34. Until the Consolidation of the Laws of Upper Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.

35. The Judges of the Courts of Lower Canada shall be selected from the Bar of Lower Canada.

36. The Judges of the Court of Admiralty now receiving salaries shall be paid by the General Government.

37. The Judges of the Superior Courts shall hold their offices during good behaviour, and shall be removable only on the Address of both Houses of Parliament.

Local Government.

38. For each of the Provinces there shall be an Executive Officer, styled the Lieutenant-Governor, who shall be appointed by the Governor General in Council, under the Great Seal of the Federated Provinces, during pleasure; such pleasure not to be exercised before the expiration of the first five years, except for cause, such cause to be communicated in writing to the Lieutenant-Governor immediately after the exercise of the pleasure as aforesaid, and also by Messages to both Houses of Parliament, within the first week of the first Session afterwards.

39. The Lieutenant-Governor of each Province shall be paid by the General Government.

40. In undertaking to pay the salaries of the Lieutenant-Governors, the Conference does not desire to prejudice the claim of Prince Edward Island upon the Imperial Government for the amount now paid for the salary of the Lieutenant-Governor thereof.

41. The Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of such Province shall provide.

42. The Local Legislatures shall have power to alter or amend their Constitution from time to time.

43. The Local Legislatures shall have power to make Laws respecting the following subjects:

1. Direct Taxation and the imposition of Duties on the export of Timber, Logs, Masts, Spars, Deals, and Sawn Lumber, and of Coals and other Minerals.
2. Borrowing Money on the credit of the Province.
3. The establishment and tenure of Local Offices, and the appointment and payment of Local Officers.
4. Agriculture.
5. Immigration.
6. Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools at the time when the Union goes into operation.
7. The sale and management of Public Lands, excepting Lands belonging to the General Government.
8. Sea Coast and Inland Fisheries.
9. The establishment, maintenance, and management of Penitentiaries, and of Public and Reformatory Prisons.
10. The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions.
11. Municipal Institutions.
12. Shop, Saloon, Tavern, Auctioneer, and other Licences.
13. Local Works.
14. The Incorporation of private or local Companies, except such as relate to matters assigned to the General Parliament.
15. Property and civil rights, excepting those portions thereof assigned to the General Parliament.
16. Inflicting punishment by fine, penalties, imprisonment, or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

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17. The Administration of Justice, including the constitution, maintenance, and organization of the Courts, both of Civil and Criminal Jurisdiction, and including also the Procedure in Civil Matters.
18. And generally all matters of a private or local nature, not assigned to the General Parliament.

44. The power of respiting, reprieving, and pardoning prisoners convicted of crimes, and of commuting and remitting of sentences in whole or in part, which belongs of right to the Crown, shall be administered by the Lieutenant-Governor of each Province in Council, subject to any instructions he may from time to time receive from the General Government, and subject to any provisions that may be made in this behalf by the General Parliament.

Miscellaneous.

45. In regard to all subjects over which jurisdiction belongs to both the General and Local Legislatures, the laws of the General Parliament shall control and supersede those made by the Local Legislature, and the latter shall be void as far as they are repugnant to or inconsistent with the former.

46. Both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada.

47. No lands or property belonging to the General or Local Government shall be liable to taxation.

48. All bills for appropriating any part of the public revenue, or for imposing any new tax or impost, shall originate in the House of Commons or the House of Assembly, as the case may be.

49. The House of Commons or House of Assembly shall not originate or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost to any purpose, not first recommended by Message of the Governor-General or the Lieutenant-Governor, as the case may be, during the session in which such vote, resolution, address, or bill is passed.

50. Any bill of the General Parliament may be reserved in the usual manner for Her Majesty's assent, and any bill of the Local Legislatures may in like manner be reserved for the consideration of the Governor-General.

51. Any bill passed by the General Parliament shall be subject to disallowance by Her Majesty within two years, as in the case of bills passed by the Legislatures of the said Provinces hitherto, and in like manner any bill passed by a Local Legislature shall be subject to disallowance by the Governor-General within one year after the passing thereof.

52. The seat of Government of the Federated Provinces shall be Ottawa, subject to the Royal Prerogative.

53. Subject to any future action of the respective Local Governments, the seat of the Local Government in Upper Canada shall be Toronto; of Lower Canada, Quebec; and the seats of the Local Governments in the other Provinces shall be as at present.

Property and Liabilities.

54. All stocks, cash, bankers' balances, and securities for money belonging to each Province at the time of the Union, except as herein-after mentioned, shall belong to the General Government.

55. The following public works and property of each Province shall belong to the General Government, to wit:—

1. Canals;
2. Public harbours;
3. Lighthouses and piers;
4. Steamboats, dredges, and public vessels;
5. River and lake improvements;
6. Railway and railway stocks, mortgages, and other debts due by railway companies;
7. Military roads;
8. Custom houses, post offices, and other public buildings, except such as may be set aside by the General Government for the use of the Local Legislatures and Governments;

9. Property transferred by the Imperial Government, and known as Ordnance property;
10. Armouries, drill sheds, military clothing, and munitions of war; and
11. Lands set apart for public purposes.

56. All lands, mines, minerals, and royalties vested in Her Majesty in the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and Prince Edward Island, for the use of such Provinces, shall belong to the Local Government of the territory in which the same are so situate; subject to any trusts that may exist in respect to any of such lands or to any interest of other persons in respect of the same.

57. All sums due from purchasers or lessees of such lands, mines, or minerals at the time of the Union shall also belong to the Local Governments.

58. All assets connected with such portions of the public debt of any Province as are assumed by the Local Governments shall also belong to those Governments respectively.

59. The several Provinces shall retain all other public property therein subject to the right of the General Government to assume any lands or public property required for fortifications or the defence of the country.

60. The General Government shall assume all the debts and liabilities of each Province.

61. The debt of Canada not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union - - - $62,500,000
Nova Scotia shall enter the Union with a debt not exceeding - 8,000,000
And New Brunswick with a debt not exceeding - - 7,000,000

62. In case Nova Scotia or New Brunswick do not incur liabilities beyond those for which their Governments are now bound, and which shall make their debts at the date of Union less than $8,000,000 and $7,000,000 respectively, they shall be entitled to interest at 5 per cent. on the amount not so incurred, in like manner as is herein-after provided for Newfoundland and Prince Edward Island; the foregoing Resolution being in no respect intended to limit the powers given to the respective Governments of those Provinces by legislative authority, but only to limit the maximum amount of charge to be assumed by the General Government. Provided always, that the powers so conferred by the respective Legislatures shall be exercised within five years from this date, or the same shall then lapse.

63. Newfoundland and Prince Edward Island, not having incurred debts equal to those of the other Provinces, shall be entitled to receive by half-yearly payments in advance from the General Government the interest at five per cent. on the difference between the actual amount of their respective debts at the time of the Union, and the average amount of indebtedness per head of the population of Canada, Nova Scotia, and New Brunswick.

64. In consideration of the transfer to the General Parliament of the powers of taxation, an annual grant in aid of each Province shall be made, equal to 80 cents per head of the population, as established by the census of 1861, the population of Newfoundland being estimated at 130,000. Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half-yearly in advance to each Province.

65. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of 10 years from the time when the Union takes effect, an additional allowance of $63,000 per annum shall be made to that Province. But that so long as the liability of that Province remains under $7,000,000, a deduction equal to the interest on such deficiency shall be made from the $63,000.

66. In consideration of the surrender to the General Government by Newfoundland of all its rights in mines and minerals, and of all the ungranted and unoccupied lands of the Crown, it is agreed that the sum of $150,000 shall each year be paid to that Province, by semi-annual payments. Provided that that Colony shall retain the right of opening, constructing, and controlling roads and bridges through any of the said lands, subject to any laws which the General Parliament may pass in respect of the same.

67. All engagements that may before the Union be entered into with the Imperial Government for the defence of the country shall be assumed by the General Government.

68. The General Government shall secure without delay the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro in Nova Scotia.

69. The communications with the North-western Territory and the improvements required for the development of the trade of the Great West with the Seaboard, are

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regarded by this Conference as subjects of the highest importance to the Federated Provinces, and shall be prosecuted at the earliest possible period that the state of the finances will permit.

70. The sanction of the Imperial and Local Parliaments shall be sought for the Union of the Provinces, on the principles adopted by the Conference.

71. That Her Majesty the Queen be solicited to determine the rank and name of the Federated Provinces.

72. The proceedings of the Conference shall be authenticated by the signatures of the Delegates, and submitted by each Delegation to its own Government, and the Chairman is authorized to submit a copy to the Governor General for transmission to the Secretary of State for the Colonies.

I certify that the above is a true copy of the original Report of Resolutions adopted in Conference.

E. P. Taché, Chairman.

Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, held at the Westminster Palace Hotel, London, December 4, 1866.

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

2. In the Confederation of the British North American Provinces the system of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony, and permanency in the working of the Union is a General Government charged with matters of common interest to the whole country and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia and New Brunswick, charged with the control of local matters in their respective sections, provision being made for the admission into the Confederation on equitable terms of Newfoundland, Prince Edward Island, the North-west Territory, and British Columbia.

3. In framing a Constitution for the General Government the Conference, with a view to the perpetuation of the connexion with the mother country, and the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution so far as circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution by the Sovereign personally, or by the representative of the Sovereign duly authorized.

5. The Sovereign shall be Commander-in-Chief of the Land and Naval Militia Forces.

6. There shall be a General Legislature or Parliament for the Confederation, composed of the Sovereign, a Legislative Council, and a House of Commons.

7. For the purpose of forming the Legislative Council the Confederation shall be considered as consisting of three divisions:—1st, Upper Canada; 2nd, Lower Canada; and 3rd, Nova Scotia and New Brunswick; each division with an equal representation in the Legislative Council.

8. Upper Canada shall be represented in the Legislative Council by 24 members; Lower Canada by 24 members; and the Maritime Provinces by 24 members, of which Nova Scotia shall have 12 and New Brunswick 12 members.

9. The Colony of Prince Edward Island when admitted into the Confederation shall be entitled to a representation of four members in the Legislative Council. But in such case the members allotted to Nova Scotia and New Brunswick shall be diminished to 10 each, such diminution to take place in each Province as vacancies occur.

10. The Colony of Newfoundland when admitted into the Confederation shall be entitled to a representation in the Legislative Council of four members.

11. The North-west Territory and British Columbia shall be admitted into the Union on such terms and conditions as the Parliament of the Confederation shall deem equitable and as shall receive the assent of the Sovereign, and in case of the Province of British Columbia as shall be agreed to by the Legislature of such Province.

12. The members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government from among residents of the Province for which they are severally appointed, and shall hold office during life. If any legislative

Councillor shall for two consecutive sessions of Parliament fail to give his attendance in the said Council his seat shall thereby become vacant.

13. The members of the Legislative Council shall be British subjects by birth or naturalization, of the full age of 30 years, shall each possess in the Province for which they are appointed a continuous real property qualification of 4,000 dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, and shall possess a continuous residence in the Province for which they are appointed, except in the case of persons holding positions which require their attendance at the seat of Government pending their tenure of office.

14. If any question shall arise as to the qualification of a legislative councillor, the same shall be determined by the Legislative Council.

15. The members of the Legislative Council for the Confederation shall in the first instance be appointed upon the nomination of the Executive Governments of Canada, Nova Scotia and New Brunswick respectively, and the number allotted to each Province shall be nominated from the Legislative Councils of the different Provinces, due regard being had to the fair representation of both political parties; but in case any member of the Local Council, so nominated, shall decline to accept it, it shall be competent for the Executive Government in any Province to nominate in his place a person who is not a member of the Local Council.

16. The Speaker of the Legislative Council (unless otherwise provided by Parliament) shall be appointed by the Crown from among the members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

17. Each of the twenty-four Legislative Councillors, representing Lower Canada, in the Legislative Council of the General Legislature shall be appointed to represent one of the twenty-four electoral divisions mentioned in Schedule A of Chapter 1, of the Consolidated Statutes of Canada, and such councillor shall reside or possess his qualification in the division he is appointed to represent.

18. The basis of representation in the House of Commons shall be population, as determined by the official census every ten years, and the number of members, at first, shall be 181, distributed as follows:

Upper Canada - - -	82
Lower Canada - - -	65
Nova Scotia - - -	19
New Brunswick - - -	15

19. Until the first general election after the official census of 1871 has been made up there shall be no change in the number of representatives from the several sections.

20. Immediately after the completion of the census of 1871, and immediately after every decennial census thereafter, the representation from each Province in the House of Commons shall be re-adjusted on the basis of population, such re-adjustment to take effect upon the termination of the then existing Parliament.

21. For the purpose of such re-adjustments, Lower Canada shall always be assigned 65 members, and each of the other Provinces shall, at each re-adjustment, receive for the ten years then next succeeding the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the census then last taken by having 65 members.

22. No reduction shall be made in the number of members returned by any Province unless its population shall have decreased relatively to the population of the whole Union, to the extent of 5 per centum.

23. In computing at each decennial period the number of members to which each Province is entitled, no fractional parts shall be considered, unless when exceeding one-half the number entitling to a member, in which case a member shall be given for each such fractional part.

24. The number of members may at any time be increased by the General Parliament, regard being had to the proportionate rights then existing.

25. Until provisions are made by the General Parliament, all the laws which at the date of the proclamation constituting the Union are in force in the Provinces respectively, relating to the qualification and disqualification of any person to be elected, or to sit or vote as a member of the Assembly in the said Provinces respectively, and relating to the qualification or disqualification of voters, and to the oaths to be take by voters, and to returning officers and their powers and duties; and relating to the proceedings at elections and to the period during which such elections may be continued; and relating to the trial of controverted elections and the proceedings incident thereto; and relating to the vacating of seats of members and to the issuing and execution of new writs in case of

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any seat being vacated otherwise than by a dissolution, shall respectively apply to elections of members to serve in the House of Commons, for places situate in those Provinces respectively.

26. Every House of Commons shall continue for five years from the day of the return of the writs choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor-General.

27. There shall be a session of the General Parliament once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the General Parliament in one session and the first sitting thereof in the next session.

28. The General Parliament shall have power to make laws for the peace, welfare, and good government of the Confederation (saving the sovereignty of England), and especially laws respecting the following subjects:—

1. The public debt and property.
2. The regulation of trade and commerce.
3. The raising of money by all or any mode or system of taxation.
4. The borrowing of money on the public credit.
5. Postal service.
6. Lines of steam or other ships, railways, canals, and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province.
7. Lines of steamships between the Confederated Provinces and other countries.
8. Telegraphic communication and the incorporation of telegraph companies.
9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorizing them to be for the general advantage.
10. The census and statistics.
11. Militia, military and naval service and defence.
12. Beacons, buoys, lighthouses, and Sable Island.
13. Navigation and shipping.
14. Quarantine.
15. Sea coast and inland fisheries.
16. Ferries between any Province and a foreign country, or between any two Provinces.
17. Currency and coinage.
18. Banking, incorporation of banks, and the issue of paper money.
19. Savings banks.
20. Weights and measures.
21. Bills of exchange and promissory notes.
22. Interest.
23. Legal tender.
24. Bankruptcy and insolvency.
25. Patents of invention and discovery.
26. Copyrights.
27. Indians, and lands reserved for the Indians.
28. Naturalization and aliens.
29. Marriage and divorce.
30. The criminal law, excepting the constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters.
31. The establishment, maintenance, and management of penitentiaries.
32. Rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, and New Brunswick, and rendering uniform the procedure of all or any of the Courts in these Provinces; but any statute for this purpose shall have no force or authority in any Province until sanctioned by the Legislature thereof; and the power of repealing, amending, or altering such laws shall thenceforward remain with the General Parliament only.
33. The establishment of a General Court of Appeal for the Confederation.
34. Immigration.
35. Agriculture.
36. And generally respecting all matters of a general character not specially and exclusively reserved for the Local Legislatures.

29. The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Confederation, as part of the British Empire, to Foreign countries arising under treaties between Great Britain and such countries.

30. The powers and privileges of the House of Commons of the United Kingdom of Great Britain and Ireland shall be held to appertain to the House of Commons of the

Confederation, and the powers and privileges appertaining to the House of Lords in its legislative capacity shall be held to appertain to the Legislative Council.

31. The General Parliament may from time to time establish additional courts, and the General Government may appoint judges and officers thereof, when the same shall appear necessary or for the public advantage, in order to the due execution of the laws of such Parliament.

32. All courts, judges and officers of the several Provinces shall aid, assist, and obey the General Government in the exercise of its rights and powers, and for such purposes shall be held to be courts, judges, and officers of the General Government.

33. The General Government shall appoint and pay the salaries of the judges of the superior and district and county courts in each Province, and Parliament shall fix their salaries.

34. Until the consolidation of the laws of Upper Canada, Nova Scotia, and New Brunswick, the judges of these Provinces appointed by the General Government shall be selected from their respective bars.

35. The judges of the courts of Lower Canada shall be selected from the bar of Lower Canada.

36. The judges of the Court of Admiralty shall be paid by the General Government.

37. The judges of the Superior Courts shall hold their offices during good behaviour, and shall be removable on the address of both Houses of Parliament.

38. For each of the Provinces there shall be an executive officer styled the Governor, who shall be appointed by the Governor-General in Council, under the Great Seal of the Confederation, during pleasure; such pleasure not to be exercised before the expiration of the first five years except for cause, such cause to be communicated in writing to the Governor immediately after the exercise of the pleasure as aforesaid, and also by message to both Houses of Parliament within the first week of the first session afterwards, but the appointment of the first Governors shall be provisional and they shall hold office strictly during pleasure.

39. The Governor of each Province shall be paid by the General Government.

40. The Local Government and Legislature of each Province shall be constructed in such manner as the Legislature of each such Province shall provide.

41. The Local Legislature shall have power to make laws respecting the following subjects:—

1. The altering or amending their constitution from time to time.
2. Direct taxation, and in the case of New Brunswick the right of levying timber dues by the mode and to the extent now established by law, provided such timber be not the produce of the other Provinces.
3. Borrowing money on the credit of the Province.
4. The establishment and tenure of local offices, and the appointment and payment of local officers.
5. Agriculture.
6. Immigration.
7. Education, saving the rights and privileges which the Protestant or Catholic minority in any Province may have by law as to denominational schools at the time when the Union goes into operation. And in any Province where a system of separate or dissentient schools by law obtains, or where the Local Legislation may hereafter adopt a system of separate or dissentient schools, an appeal shall lie to the Governor-General in Council of the General Government from the acts and decisions of the local authorities, which may affect the rights or privileges of the Protestant or Catholic minority in the matter of education. And the General Parliament shall have power in the last resort to legislate on the subject.
8. The sale and management of public lands, excepting lands belonging to the General Government.
9. The establishment, maintenance, and management of public and reformatory prisons.
10. The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions, except marine hospitals.
11. Municipal institutions.
12. Shop, saloon, tavern, auctioneer, and other licences, for local revenue.
13. Local works.
14. The incorporation of private or local companies, except such as relate to matters assigned to the General Parliament.

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15. Property and civil rights (including the solemnization of marriage), excepting portions thereof assigned to the General Parliament.
16. Inflicting punishment by fine, penalties, imprisonment, or otherwise, for the breach of laws passed in relation to any subject within their jurisdiction.
17. The administration of justice, including the constitution, maintenance, and organization of the courts, both of civil and criminal jurisdiction, and including also the procedure in civil matters.
18. And generally all matters of a private or local nature not assigned to the General Parliament.

42. All the powers, privileges, and duties conferred and imposed upon Catholic separate schools and school trustees in Upper Canada shall be extended to the Protestant and Catholic dissentient schools in Lower Canada.

43. The power of respiting, reprieving, and pardoning prisoners convicted of crimes, and of commuting and remitting of sentences, in whole or in part, which belongs of right to the Crown, shall, except in capital cases, be administered by the Governor of each Province in Council, subject to any instructions he may from time to time receive from the General Government, and subject to any provisions that may be made in this behalf by the General Parliament.

44. In regard to all subjects over which jurisdiction belongs to both the General and Local Legislatures, the laws of the General Parliament shall control and supersede those made by the Local Legislature, and the latter shall be void so far as they are repugnant to or inconsistent with the former.

45. Both the English and French languages may be employed in the General Parliament, and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal courts, and in the courts of Lower Canada.

46. No lands or property belonging to the General or Local Governments shall be liable to taxation.

47. All Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons or House of Assembly as the case may be.

48. The House of Commons or House of Assembly shall not originate or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose not first recommended by message of the Governor-General or the Governor, as the case may be, during the session in which such vote, resolution, address, or Bill is passed.

49. Any Bill of the General Parliament may be reserved in the usual manner for Her Majesty's assent, and any Bill of the Local Legislatures may, in like manner, be reserved for the consideration of the Governor-General.

50. Any Bill passed by the General Parliament shall be subject to disallowance by Her Majesty within two years, as in the case of Bills passed by the Legislatures of the said Provinces hitherto; and in like manner any Bill passed by a Local Legislature shall be subject to disallowance by the Governor-General within one year after the passing thereof.

51. The seat of Government of the Confederation shall be Ottawa, subject to the Royal Prerogative.

52. Subject to any future action of the respective Local Governments, the seat of the Local Governments in Upper Canada shall be Toronto; of Lower Canada Quebec; and the seats of the Local Governments in the other Provinces shall be as at present.

53. All stocks, cash, bankers' balances, and securities for money belonging to each Province at the time of the Union, except as herein-after mentioned, shall belong to the General Government.

54. The following public works and property of each Province shall belong to the General Government, to wit:—

1. Canals.
2. Public harbours.
3. Lighthouses and piers, and Sable Island.
4. Steam-boats, dredges, and public vessels.
5. Rivers and lake improvements.
6. Railways and railway stocks, mortgages, and other debts due by railway companies.
7. Military roads.
8. Custom-houses, Post offices, and all other public buildings, except such as may be set aside by the General Government for the use of the Local Legislatures and Governments.
9. Property transferred by the Imperial Government and known as ordnance property.

10. Armouries, drill-sheds, military clothing, and munitions of war; and lands set apart for general public purposes.

55. All lands, mines, minerals, and royalties vested in Her Majesty in the Provinces of Upper Canada, Lower Canada, Nova Scotia, and New Brunswick, for the use of such Provinces, shall belong to the Local Government of the territory in which the same are so situate, subject to any trusts that may exist in respect to any of such lands, or to any interest of other persons in respect of the same.

56. All sums due from purchasers or lessees of such lands, mines, or minerals at the time of the Union shall also belong to the Local Government.

57. All assets connected with such portions of the public debt of any Province as are assumed by the Local Governments shall also belong to those Governments respectively.

58. The several Provinces shall retain all other public property therein, subject to the right of the General Government to assume any lands or public property required for fortifications or the defence of the country.

59. The General Government shall assume the debts and liabilities of each Province.

60. The debt of Canada, not specially assumed by Upper and Lower Canada respectively shall not exceed at the time of the Union 62,500,000 dollars. Nova Scotia shall enter the Union with a debt not exceeding 8,000,000 dollars, and New Brunswick with a debt not exceeding 7,000,000 dollars. But this stipulation is in no respect intended to limit the powers given to the respective Governments of those Provinces by legislative authority, but only to determine the maximum amount of charge to be assumed by the General Government.

61. In case Nova Scotia or New Brunswick should not have contracted debts at the date of Union equal to the amount with which they are respectively entitled to enter the Confederation, they shall receive by half-yearly payment, in advance from the General Government the interest at 5 per cent. on the difference between the actual amount of their respective debts and such stipulated amounts.

62. In consideration of the transfer to the General Parliament of the powers of taxation, the following sums shall be paid by the General Government to each Province for the support of their Local Governments and Legislatures:—

	$
Upper Canada - - - -	80,000
Lower Canada - - - -	70,000
Nova Scotia - - - -	60,000
New Brunswick - - - -	50,000
	260,000

And an annual grant in aid of each Province shall be made equal to 80 cents per head of the population, as established by the census of 1861; and in the case of Nova Scotia and New Brunswick by each subsequent decennial census, until the population of each of those Provinces shall amount to 400,000 souls, at which rate it shall thereafter remain. Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half-yearly in advance to each Province; but the General Government shall deduct from such subsidy all sums paid as interest on the public debt of any Province in excess of the amount provided under the 60th resolution.

63. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of ten years from the time when the Union takes effect an additional allowance of 63,000 dollars per annum shall be made to that Province; but that so long as the liability of that Province remains under 7,000,000 dollars, a deduction equal to the interest on such deficiency shall be made from the 63,000 dollars.

64. All engagements that may before the Union be entered into with the Imperial Government for the defence of the country shall be assumed by the General Government.

65. The construction of the Intercolonial Railway being essential to the consolidation of the Union of British North America, and to the assent of the Maritime Provinces thereto, it is agreed that provision be made for its immediate construction by the General Government, and that the Imperial guarantee for £3,000,000 sterling pledged for this work be applied thereto, so soon as the necessary authority has been obtained from the Imperial Parliament.

66. The communication with the North-western Territory, and the improvements required for the development of the trade of the great west with the seaboard, are

Appendix.

regarded by this Conference as subjects of the highest importance to the Confederation, and shall be prosecuted at the earliest possible period that the state of the finances will permit.

67. The sanction of the Imperial Parliament shall be sought for the Union of the Provinces on the principles adopted by this Conference.

68. That Her Majesty the Queen be solicited to determine the rank and name of the Confederation.

69. That a copy of these resolutions, signed by the Chairman and Secretary of the Conference, be transmitted to the Right Honourable the Secretary of State for the Colonies.

(Signed) John A. Macdonald,
Chairman.
H. Bernard,
Secretary.

LONDON:
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II.

LETTER

ADDRESSED TO

THE EARL OF CARNARVON

BY

Mr. Joseph Howe, Mr. William Annand, and Mr. Hugh McDonald,

STATING THEIR

OBJECTIONS TO THE PROPOSED SCHEME OF UNION

OF THE

BRITISH NORTH AMERICAN PROVINCES.

Presented to both Houses of Parliament by Command of Her Majesty,
8th February 1867.

LONDON:
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LETTER

ADDRESSED TO

The Earl of Carnarvon by Mr. Joseph Howe, Mr. William Annand, and Mr. Hugh McDonald, stating their Objections to the Proposed Scheme of Union of the British North American Provinces.

London, 25 Saville Row, January 19, 1867.

As we learn by the newspapers that the Delegates sent hither from Canada, Nova Scotia, and New Brunswick have agreed upon a plan of Confederation, and as we know that they are framing the draft of a bill, which they intend to ask Her Majesty's Ministers to carry through Parliament at the approaching Session, the undersigned cheerfully avail themselves of the permission, kindly given by your Lordship, to place before Her Majesty's Government the views of those they represent. Referring to the credentials named in the margin, and to the addresses, petitions, and pamphlets to be found in the Appendix, they would premise with all respect, that though it might for some reasons have been convenient to have had before them the resolutions of the Conference, or a draft of the bill, as their opposition is based upon the general policy of the measure, and on the mode of proceeding recommended, irrespective of mere details, they are content to discuss the subject without them. The undersigned assume that the scheme prepared at Quebec in 1864, has not been materially changed, and that it is intended to ask Her Majesty's Government to bind some or all the Provinces to accept a modification of that scheme by an arbitrary Act of Parliament; before a measure thus prepared in London has been submitted to the people, or even to the Legislatures of the Provinces, whose rights, revenues, and allegiance it is so seriously to affect; and before the local institutions, under which the inhabitants of Nova Scotia and New Brunswick are expected to live, when their constitutions are thus overthrown, have been constructed.

Credentials

The undersigned will be only too happy to learn that they are in error upon either of these points, that intercourse with Her Majesty's Ministers, or the strength of enlightened public opinion in the Mother Country, has induced the Delegates to abandon a policy until of late openly avowed; but in the meantime, they must argue upon what they have reason to believe are the true aspects and proportions of this question, as it is about to be presented for the consideration of the Responsible Advisers of the Crown. The magnitude of the interests involved will enforce a somewhat elaborate discussion, but the undersigned will endeavour to simplify the inquiry as much as possible by arranging their observations under separate heads.

Lord Bacon tells us that "it is not good to try experiments in States except the "necessity be urgent and the utility evident; and well to beware that it be the reforma- "tion that draweth on the change, and not the desire of change that pretendeth the "reformation." In this case is the necessity urgent? Here are four self-governed and contented Provinces, prosperous beyond all precedent. They possess within themselves the legislative powers necessary to affect changes, however fundamental, and the assent of the Crown is alone required to give effect to their legislation. Have they passed any laws that have been negatived, and if they have not, why should the Imperial Parliament be invoked to step in and do for them what they can so readily do for themselves? Would Parliament assume jurisdiction over Bristol in a matter affecting that city's rights and revenues in a case where "the necessity" was neither "urgent," nor "the utility evident," if it could be shown that the municipal powers were sufficient to effect the change? What would the Cabinet say to half-a-dozen aldermen who came here to ask them to pass a measure which had never been submitted to the Common Council, and upon which the aldermen themselves were afraid to test the opinions of the electors?

In this case two of the Provinces have voted the measure down with unmistakeable unanimity, scouted, and trampled it under their feet; a third only asks to be allowed the

opportunity to express a decisive condemnation. The fourth gave an honest verdict against it. On the methods by which that decision was reversed, it is painful for lovers of freedom to dwell; but your Lordship is aware that in Jeffrey's time many a jury was induced to reverse its decision when threatened and brow-beaten by the Court. Turning from the Provinces to the Empire, of which, after all, they only form a part, it is apparent that this scheme will derange its whole political and commercial policy, introduce new principles of government, and impose upon trade, so far as the rest of the Empire has any, with four of these Provinces, additional duties, varying from fifty to a hundred per cent.

When responsible government was asked for, a cry came up from all the British Provinces having Legislatures demanding the change. Who asks for this? Canada desires it as a remedy for local distractions and disputes, which, by the exercise of a little patience and common sense, can easily be remedied. If the Canadians, having all the advantages enjoyed by every other Colony within the Empire, cannot work a union of two Provinces with skill and wisdom; if they are compelled to divide that they may govern themselves at all, is it not too much to ask that they may be entrusted with the government of four other Provinces? Nothing can be more satisfactory than the present aspects of the Empire, taken as a whole. The central authority is universally obeyed. Commerce ebbs and flows with the regularity of the tide, controlled and guarded by a power we recognize only by its aids, and not by its burthens. Within the circle of this wide Confederacy great families of mankind, unfamiliar with freedom, are ruled by administrators accountable to the most enlightened and just legislature in the world; while other great communities, peopled by emigrants from these Islands, govern themselves in due subordination to the central authority, and enjoy the most free commercial intercourse with each other.

All these prosperous Provinces cheerfully submit to one rule, which is universal throughout the Empire, that in every Colony the productions of the parent state shall be admitted in fair competition with those of every other and of all foreign countries. The framers of this scheme propose to break up this commercial system, and, what is even more hazardous, to reverse the Colonial policy of England, under which for a quarter of a century these organized British communities have been allowed to govern themselves. Are the "utilities evident," or is the "necessity urgent?" Her Majesty's Government, surveying the whole field of Empire thus sought to be unsettled, we trust will decide not. A single illustration will suffice to show the injustice of the change proposed. For more than a century the Maritime Provinces have had a prosperous trade with the West Indies, whose population take their fish, lumber, staves, and other productions, and send theirs in return. This trade, never interrupted by ice, employs our shipping throughout the year. The moment that we are hedged within the Confederacy our duties will be increased by fifty per cent. upon return cargoes coming from Colonies which traded with us before Canada was conquered, and whose inhabitants are as much British subjects, and our brethren, as are the dwellers on the St. Lawrence.

We have said that there is no urgent demand for changes in policy or in administration coming up from any part of the Empire. The only complaints that disturb the general tranquillity are made by the people of the Mother Country. What are they? First, that the Canadians have been for years violating the principles of free trade, imposing protective duties and taxing British manufactures. Will confederation meet these complaints? Will the great centres of British industry grumble less when their manufactures, highly taxed, are excluded from all the Maritime Provinces, and are replaced by Canadian goods coming in duty free? Will we have more means wherewith to support our armaments within the Maritime Provinces, ready and willing to furnish their quotas of men and money for defence, have all their surplus revenues swept away to keep up this costly Confederation, with seven Parliaments, for which there is no necessity? Assuming that a scheme of government could be prepared for the North American Provinces universally acceptable to their people, it would leave all the rest of the Empire to shift for itself, without the adjustment of a single question now occupying the mind of every thoughtful British subject. All the sources of weakness and irritation would still remain.

As one branch of the subject has been much mystified by these Confederates, and is but little understood, the undersigned will venture to call your Lordship's attention to some obvious facts which bear directly on the question of—

National Defence.

Should Great Britain be ever involved in a war with the United States, or with any European power, so far as concerns our interests, on the continent of America and the

neighbouring islands, there must be two distinct fields of operation. On the Pacific side we must be prepared to lose our possessions for a time if at war with the Republic, because in population, wealth, and the ready command of means of transportation the great state of California is far in advance of the Province of British Columbia, and besides, when the railroads, of which three are projected and one amply provided for by Congress is now under contract, are completed, troops can be thrown in from the southern and western states to strengthen and support California. There are two modes by which matters may be balanced on the Pacific side. If prepared to act promptly, we may take St. Francisco early in the war by employing a portion of our Indian army; or at all events we may, by reinforcements from our Eastern possessions and by naval preponderance upon the seaboard, be able to protect our own Province, destroy the Panama railroad and that across the continent, if it be finished, clear the American whalers out of the Pacific, and generally so harass and cut up American commerce all round the coast from California to the Rio Grande as to make war an intolerable infliction, whatever successes may have been achieved by the land forces of the enemy on the Canadian frontier.

On this broad field of operations Canada can give no assistance either to Great Britain or to the Province of Columbia. She has no railroads by which to send a man across the continent, nor a soldier to spare if she had; she has but 5,958 sailors and fishermen, less than she would require to block the St. Lawrence and make any show of naval force upon the lakes. If she had a telegraph to the Pacific it would be cut every hour of the day, passing, as it must, through a wilderness with no formed settlements to protect it, or, what would be worse, camp wires and local batteries, easily connected in 20 places, would enable the enemy to copy every message that might be sent. Sealed up by ice or by the enemy on all sides, it is quite apparent that Canada could count for no more, as an auxiliary in naval or military operations on the Pacific side of the Empire, than the buoy at the Nore, and it must be quite as clear that if the naval and military officers entrusted with the protection of our possessions on the Pacific were obliged to report to and receive orders from Ottawa, all our secrets would be known to the enemy; that the unity of command would be broken up, and our officers perpetually mystified and perplexed.

Even on this distant field of operations the Maritime Provinces would not be quite so powerless. As early as 1812–15, the privateers of Nova Scotia dashed with great spirit into the war which impeded their natural commerce and rendered the fishing grounds unsafe. Those fitted out from Halifax and Liverpool, in that Province, cut up the enemy's commerce and fought some gallant actions, even in those days. The Westphalls both Nova Scotians and now both admirals, were among the most gallant officers employed on the enemy's seaboard. Wallace, lieutenant of the Shannon, another Nova Scotian, Broke his captain being wounded, brought the Chesapeake into Halifax, amidst the cheers of the loyal population, among whom his boyhood had been passed. These things were done in the green tree, but marvellously has this seedling from the good old British stock illustrated the depth of its roots and the vitality of its sap since then. It has sent Welsford and Parker to die before Sebastopol, Williams to defend Kars, and Inglis to defend Lucknow, in wars with which, strictly speaking, its people had nothing to do, and it has, in half a century, developed maritime capabilities which challenge from every thoughtful man "special wonder." A century ago the whole mercantile marine of Scotland included but 32,818 tons, less than the twelfth part of the tonnage which her vigorous young namesake owns now. A few years ago Nova Scotia owned more tonnage than all Ireland with her six millions of people, and was beaten by but four or five States of the Great Republic. She is now far in advance of many of the Powers of Europe. In a memorial, recently presented by the shipowners of the United States to Congress, we find it stated that there are more ships now being built in the Province of Nova Scotia, than in the entire Union. They give the reason, that construction is checked along their seaboard by high protective duties, while it is stimulated in Nova Scotia by low tariffs and a liberal commercial system. We may be sure that every effort will be made, as their debt is reduced to revive this branch of industry; and it is for Her Majesty's Government to consider, whether in view of these reductions our enterprize and industry should be cramped by imposing upon us the high protective system of Canada. Nova Scotia has now 20,000 fisherman and sailors, commanded by men who are familiar with the navigation of every sea. These hardy seamen turning their 1,000 ton ships into privateers, would make even the Pacific and the China and Indian coasts unsafe for the vessels of any power with which Great Britain might be at war, and could materially aid her in those distant regions to which Canada could neither send a ship nor a man. New Brunswick owns some fine ships, and could operate on this

Spain, Austria, Sweden, Greece, Russia Denmark, Belgium.

distant field if she would. Newfoundland and Prince Edward Island could render effective service nearer home; but, being less engaged in the carrying trade would perhaps not adventure into the Pacific, but one thing is perfectly clear, that though the Maritime Provinces might aid Great Britain or that side of the continent, Canada could not, and that, for all practical purposes of dominion or defence, she might as well claim to govern Hong Kong as British Columbia.

Let us now examine the theatre of war as it would be presented on the Atlantic side. What are the teachings of history? In the old wars, Louisburgh, on the seaboard, was the French base of operations. This was the gate of St. Lawrence, and thence they made descents upon Newfoundland and Nova Scotia, preyed upon our commerce, and rendered the coasts of the old Colonies unsafe. Till we had founded and fortified Halifax we could not effectually control this formidable position. Though once captured by the New Englanders it was restored, at the peace of Aix-la-Chapelle, and again more strongly fortified. With Halifax as a base, we had a noble harbour, where the land and naval forces under Wolfe and Amherst could rendezvous, and refit after Louisburgh and Quebec were captured.

In the revolutionary war, Halifax was our real base of operations, and at last, our only one, as slowly we were compelled to relax our hold on Boston, Newport, New York, Philadelphia, and York Town. It formed a safe asylum for our broken fleets and armies, and for the loyalists, who were ultimately to infuse new life into the Provinces we retained.

In our wars with the French Directory, and afterwards with Napoleon, Halifax was again our base of operations. Thence went the convoys that protected our vessels, homeward bound, or carrying supplies to our islands and possessions in the tropics. Thence went the expeditions under Sherbrooke and Prevost, that captured Martinique, &c., and, at a later period, when the United States declared against us, thence issued the cruisers and privateers which cut up their commerce, and the armaments that seized Castine, blocked up the Penobscob, and split the state of Maine, one half of which we retained till the close of the war. The undersigned have no desire to disparage the patriotic gallantry with which the Canadian Militia, French and English, defended their frontiers during the war of 1812–15, but it is quite clear that the utmost they could do, aided by all the troops Great Britain could spare, was to hold their own. Their Government did not furnish a man to strengthen the Maritime Provinces, nor a ship to aid us in that stupendous naval war, in which the real battle of the Empire was fought.

Now let us first inquire whether these mixed naval and military operations going on in and around this seaboard base would have been much facilitated had Canada, which could barely protect herself, ruled the Maritime Provinces; and had the gallant officers who commanded our fleets and armies, and directed the dashing enterprizes by which we plucked the flowers of peace out of the nettles of danger, been compelled to report to and receive orders from Ottawa, and to consult persons 800 miles away.

Should war break out to-morrow, as we have communication by steamer every week and by telegraph every hour, the real centre of intelligence and direction would be the War Department here. Our weakest line of defence would be the Canadian frontier. Our real base of operations, both for offence and defence, must be Halifax and the Maritime Provinces in the North Atlantic. The chequer board of war will not be British America only, it will include all our possessions in the West Indies and around the Gulf of Mexico, it will include the rich fisheries of the North, and the whole American seaboard, upon which if we are ever to have peace our blows must be felt; and it must include our commerce in all the surrounding seas, with the summer fleets passing up and down the St. Lawrence, which the Canadians by any instrumentality or exertion of their own will be utterly powerless to protect.

Surveying the whole field of operations it must be apparent that to remove our base from the centre to one of the extremities and that the weakest, to compel the War Department to communicate with a commander-in-chief at Ottawa, who must write or telegraph back before anything can be done at Halifax, is to risk disclosure and delay over an additional 1,600 miles of distance, to break up the unity of command, to hamper and perplex four Legislatures and Governments, instinct with loyal devotion and activity, deliberating under the guns of British iron-clads, and in constant social and official communication with the gallant officers who need their co-operation. To do this will be to reverse all the traditions of the past, and to negative with childish presumption the teachings of that military science which it has cost us so much to form.

If disposed to undervalue the knowledge we have accumulated for ourselves we may borrow instruction from our neighbours. Three or four armies were employed by the Federal States for the suppression of the great rebellion. At first operations were

directed from Washington by the President and the Secretary at War, advised by such military officers as they chose to consult. This mixed political and military system, which we may, if we chose to copy their blunders, establish at Ottawa, was a decided failure. Political partizans, ignorant and incompetent, were entrusted with the command of regiments, brigades, and army corps. Shoddy contractors and jobbers of all kinds infested the departments at Washington, and obstructed every branch of the military and naval administrations. Hundreds of millions of dollars were wasted, and hundreds of thousands of lives were lost. But with all these errors the Government never committed the unpardonable one of abandoning navigable water as it base of operations, or thought of establishing the central authority, as we are asked to do, 1,000 miles in the interior.

When at last the political element was eliminated, and General Grant, a thorough soldier, was invested with the supreme command, he marched from navigable water on the Potomac to navigable water on the James, and during the last successful year of the war, his base was at City Point. Sherman commanded the army of Georgia and Sheridan another in the Shenandoah Valley as we might require an army on the Canadian frontier but the unity of command was preserved. Both these distinguished soldiers reported to and served under Grant, who held on to the seaboard, and from thence directed all the military and naval operations from the St. Croix to the Rio Grande. If, unfortunately, we are forced into a war, our base must be Halifax, not Ottawa. The Commander-in-Chief must be there in hourly communication with the War Department, and in the centre of the great theatre of operations by land and sea, for which he and the naval commander-in-chief will be jointly responsible. The army on the Canadian frontier will have its peculiar duties as Sherman's and Sheridan's armies had; but it will form but a part of the whole force, and must move in obedience to the orders of those officers, who alone, from the centre can survey and direct operations over the whole theatre of war.

The base being determined, is it not of the utmost consequence that the population around that base should be loyal and devoted subjects of the Crown? They are so now. In the four Maritime Provinces there are nearly a million of people. They are training a militia force of 100,000 men. They have over 60,000 fishermen and sailors. There are at this moment no annexionists or disloyal persons in this entire force. To draw these men away from the seaboard is to weaken our base, without materially strengthening the landward wing of the army. If disposed to go they must march 800 miles, or as far as from London to Vienna before they can reach Ottawa. But would they go? As matters stand they might, if satisfied by the presence of a powerful naval force that their seaboard cities were safe; but assuredly if dragged into this Confederation against their will, if the system of self-government and low duties, to which they attribute their great prosperity is broken down, and if their revenues are transferred and their franchises overridden by an arbitrary Act of Parliament, very few of them will march to defend Canada; and the serious question to be well pondered before this step is taken is, whether broken in spirit by this act of oppression, having lost confidence in the good faith of the Crown and in the justice of Parliament, they will fight at all. The undersigned know the Provinces well and they have no hesitation in saying, that the passage of such an Act within a few weeks of the time when by law the people should have an opportunity to express their opinions without waiting for that expression, or giving them a chance to protect their institutions by their votes, would be regarded by a vast majority of the people of Nova Scotia as a dissolution of the political and social compact which binds the Maritime Provinces to the Mother Country.

We have thus far treated the question of defence as it affects the Empire at large, let us limit the field of operation to the Provinces.

We are about to create a "new nation" a "fresh power" as the proposed Confederacy has been styled by the Governor-General of Canada in his speech to Parliament. We are aware that the Delegates who are here, and who suspect that to adopt too hastily these high sounding phrases might peril the 4,000,000*l.*, are content to "do "their spiriting gently," and like wise serpents to wear the Colonial skin till the warmth of England's bosom enables them to cast it off. But to suppose that half the continent of America, organized under one government and legislature, can ever be treated as a Colony is to cherish a delusion.

If it is intended to form a nation then we would observe, that allegiance and protection should go together. The seaboard Provinces have many thousand vessels, and smacks and small boats in any number from the flat that tends the net inshore, to the fifteen hundred ton ship beating round Cape Horn; all these enjoy the protection of England, and those who man them have cause to rejoice in her maritime supremacy. If stopped or questioned the Foreign Secretary must "know the reason why." If robbed or insulted,

in distant regions, there is the British Minister or Consul to protect them; if sick they are sent to Hospital; if wrecked they are relieved; and by a simple machinery which costs them nothing to keep up, the Provinces are charged with the sums disbursed. Clothed with his British citizenship, and with a small red flag at the main, a Nova Scotian circumnavigates the globe, trades with all manner of people, and treads his quarter deck with a sense of security that is perfect.

When he returns, he sails up the harbour in which he was bred, and delivers his vote with the consciousness that he forms part of a self-governing and prosperous community whose service is a labour of love and whose burthens are light.

For his British citizenship and for his Responsible Government he is prepared to make any personal or pecuniary sacrifice. But how will it be when he puts to sea with the conviction that the duties on every thing he brings back have been increased from fifty to a hundred and fifty per cent., that he is a citizen of a wretched confederacy, whose "drum beat" nobody ever heard, and which has not a war ship upon the ocean, or a minister or a consul with the slightest influence abroad? How will he feel when he returns and ascends a hustings whose proceedings are a mockery, to vote for a member, whose presence in a distant and hostile Parliament, is but a proof of his degradation.

The Intercolonial Railroad.—Discriminating Duties.

But it is said by accepting this Quebec scheme of Confederation the Maritime Provinces secure the Intercolonial Railway. The undersigned can scarcely trust themselves to discuss this branch of the general subject, so selfish and unfair at all times has been the conduct of the public men of Canada in regard to it. Rightly estimating the value of this road as a great highway of communication, as an aid to the defence of Canada, and as opening a field for employment, which, if occupied, would strengthen the weak points of the frontier, Mr. Howe came to England in 1850, and spent six months in negociations, the objects of which were to induce Her Majesty's Government to guarantee a sum sufficient to complete it from Halifax to Montreal, and to throw in upon the line the surplus population of the parent State, then burthening the poor rates or drifting into foreign countries. To this policy the Earl of Derby, then in opposition, gave his strenuous support. The guarantee was promised, and returning to the Provinces, Mr. Howe succeeded in combining them all in common measures to secure the completion of the road. Subsequently certain English contractors, who were Members of Parliament, and possessed of some political influence here, determined to profit by a large expenditure on a new field of operations. They organized the Grand Trunk Railway Company, issued a prospectus promising shareholders eleven per cent. for their investments, induced the public men of Canada to pick a quarrel with Sir John Pakington, laughed at the necessity for any guarantee, and commenced that series of operations by which the enterprise, after the fashion of the London, Chatham, and Dover, was turned into a contractor's road. Ten millions being extracted from the credulous people of England, and three millions from the Government of Canada, upon a large portion of which no interest or dividends have yet been paid. We pass over the rapid fortunes that were made out of this expenditure. It is sufficient to mark the fact that the unfortunate shareholders, after waiting thirteen years without interest or dividends, can now only sell their 100*l.* shares for 20*l.* A road was made from Samia to the river De Loup, but that part of it which should have connected Lower Canada with the Atlantic was left unfinished. No population was thrown in upon the wilderness and weak part of the frontier, and millions of British subjects have since been allowed to drift into the United States, to become Fenians and a scourge to Canada; and it may fairly be assumed that some hundreds of thousands of them have been killed or wounded in the recent civil war.

The Maritime Provinces thus betrayed and abandoned, set about making their own roads in an honest and straightforward manner. Nova Scotia borrowed 800,000*l.* sterling, at six per cent., and constructed railways from Halifax to Truro and Windsor, 60 miles of the system forming part of the Intercolonial Road. By the expenditure of another half million she has extended her eastern line to the gulf at Picton, tapping extensive coal mines, and bringing the capital of Prince Edward Island within half a day's distance of Halifax. She has now the whole of her portion of the Intercolonial Road under contract, and so buoyant have her revenue and resources become that she has been enabled to subsidize a company to complete her western line to Annapolis; and all this she has done with an ad valorem duty of ten per cent. without asking a pound from the Canadians or the British Government. By means of these roads offering inner lines of communication, she can in case of war, supply a British fleet and army

with food, forage, coal and timber, in any quantity, and in a week can easily concentrate around our dockyards and arsenals the whole Militia force of the Province.

New Brunswick became entangled with these English contractors, but shook them off at a cost of 70,000*l.*, and set about making her roads with her own means. She has completed an excellent road from St. John to Bay Verte, which opens up a fine tract of country, and secures her connexion with the gulf and with Prince Edward Island. This road, whether the Intercolonial is ever made or not, will be extended to the frontier of Nova Scotia, and when it is the three Provinces can lean upon and aid each other ; and in case of war, the Commander-in-chief can throw the manhood of all three on any threatened point with marvellous ease and rapidity. These roads have been made without aid from abroad, and yet the credit of both Provinces has stood all summer as high as that of Canada, and often higher.

While the Maritime Provinces have thus done their own work and strengthened their own defences, they have not been indifferent to the peculiar condition of Canada. The menacing tone adopted by the United States, and the large armaments organized after the outbreak of the Civil War, were not unnoticed in the Provinces. Conferences were held with a view to the completion of the Intercolonial railroad, and delegates were in this country asking for aid to it, when the Southern Commissioners were seized, and England waited in solemn seriousness for an answer to the demand for their restitution. When the danger had blown over, Lord Palmerston's Government declined to give any direct aid, but the Duke of Newcastle was instructed to inform the representatives of the Colonies that a guarantee, if asked for, would be given. Another conference was held at Quebec to consider the subject in this new aspect, when the Maritime Provinces were made again to feel the ungenerous and unjust spirit in which the Canadians have ever been disposed to deal with this enterprise.

When representation is to be divided by their Quebec scheme they claim that it shall be adjusted by population. When money is to be expended upon a national work, they adopt a different rule. Assuming the road to be required for defence, then Canada, having the longest frontier, and in winter being separated from Great Britain, wanted it far more than either Nova Scotia or New Brunswick. For her it was a necessity in war, because she could not get aid by any other route. To us it would not bring a soldier if it was open, and our coasts, if they could be defended at all, could be protected at all seasons. Even in peaceful times the Canadians had no outlet to the sea but through a foreign country. We had easy access to all the world and no foreign power could restrain us. While the advantages of this work were all in favour of Canada, her public men drove with the Maritime Provinces a bargain so hard as to be eminently characteristic. The share which Canada should have assumed, taking population as the basis of this expenditure, was about six-sevenths of the whole. She would only consent to provide for five-twelfths, and our Delegates were compelled to assume the other seven, or permit the project to be again wrecked by the selfishness and injustice of those with whom they had to deal. This unequal portion was generously assumed by the gentlemen from Nova Scotia and New Brunswick, and it was arranged that a Delegation should proceed to England to adjust the terms of the guarantee.

Over the proceedings of that Delegation the undersigned would gladly draw a veil. The gentlemen from Nova Scotia and New Brunswick soon discovered that embarrassed by the defection of one or two of their supporters, the Canadian Cabinet only desired to break up the negociation. The Duke of Newcastle, whose patriotism and patience were sorely tried, is dead. We wish he were alive to convey to your Lordship his impression of the spirit in which Her Majesty's Government were met by the gentlemen with whom he had to deal; but there is at least one officer in the department who cannot have forgotten what his Grace endured and feelingly expressed. Mr. Tilly and Mr. Howe, who would be no parties to a quarrel with Her Majesty's Government, laboured sincerely to bring the negociation to a satisfactory conclusion. Mr. Gladstone met them in a candid spirit, and terms too fair to refuse being finally offered they closed with them, and went home, completed their legislation, and gave, by law, the securities which Her Majesty's Government very properly demanded. Not so the Canadians. They refused to provide for any sinking fund, by which the money to be advanced should be repaid; a fact, too significant we trust, to be overlooked by the present Chancellor of the Exchequer ; and thus were the interests of the Maritime Provinces, so far as they have any in the Intercolonial railroad, a second time sacrificed and thrown over by these Canadian politicians.

With the history of this enterprise fresh in our recollection, and these facts breeding distrust and suspicion among our people, the Canadians come to us now and say, we will make the Intercolonial railroad if you will let us govern your Provinces, permit us to

appoint your governors, judges, and councillors, hand over to us your revenues, and invest us with unlimited powers of direct and indirect taxation.

There are many railroads connecting England and Belgium with France, but for them all would the people of either country permit the French thus to deal with their Government, their patronage, and their revenues? There are railroads running from the United States into Canada, would the Canadians to secure these facilities have bartered away their self-government and their revenues?

The European and North-American railroad will soon pass through Nova Scotia and New Brunswick into Maine, but if that state were to make it a condition of her assistance to the enterprise, that she was to govern either Province, would not the proposal be treated with contempt? In the same spirit the people of Nova Scotia would reject and resent the offer to be governed and controlled by Canada, even if she proposed to make the Intercolonial railroad entirely at her own expense; but when it can be shown that under the Quebec scheme of Confederation more money will be extracted from the existing revenues of Nova Scotia and New Brunswick than will pay the interest on the whole expenditure, to say nothing of what they will contribute when their import duties are increased 50 or 100 per cent., and Canada has power over them of unlimited taxation; is it singular that such a dishonest proposal has aroused very just and general indignation?

Such a condition as this was never thought of by Earl Grey when a guarantee was offered in 1851. No such condition was imposed by the Duke of Newcastle in 1862, and at neither period would such a demand, if made by Canada, have been listened to for a moment by those who conducted the negociations on the part of the Maritime Provinces. The Intercolonial railway will have its advantages as a means of communication between all the Provinces, but those upon the seaboard have grown and thriven without it and they can live and thrive without it still. In peace they have means of communication with all the world, and in war they can concentrate all their forces by means of the roads they have, and under any circumstances expect no help from Canada. So long as she is content to be frozen up for half the year, or to be dependent upon a foreign Government for a passage to the sea for her products and her people, the Nova Scotians are content to forego their share of the advantages of the Intercolonial road till it can be constructed on fair and honourable terms. We live in the basement story of the British American mansion and can get into the street, even though those in the attic should never construct a staircase.

The framers of the Quebec scheme expect the Chancellor of the Exchequer to go down to Parliament and ask for an advance of 4,000,000*l.* for the construction of this road, Mr. Gladstone promised but 3,000,000*l.* The sum has been increased by one-third on the faith of a most imperfect Canadian survey, with which Her Majesty's Government, that is to give the money, or the Maritime Provinces which are to pay the interest, have had nothing whatever to do. Four millions of money would build 16 iron-clads or would furnish a million of breech-loaders, which distributed over the Empire would greatly strength it in every part. Is it likely that Parliament will vote such a sum unless the case be clear? The Chancellor of the Exchequer may be reasonably expected to prove,—

1. That so large a sum is actually required.
2. That the security of a sinking fund, which Mr. Gladstone demanded but which Canada refused in 1862, is to be given.
3. That the interest is to be paid in fair proportions by the three Provinces, and not by the Maritime Provinces alone.
4. That Canada is so secure from invasion that the money will not be lost even should she be ever so honestly disposed to repay it.
5. That so large a sum may not, in the altered circumstances which we have to face, be very much better employed in the defence of the whole Empire than in giving facilities to a Province, which may be utterly unable to repay the money, or to protect the road when it is built.

All these questions may be answered to the satisfaction of Parliament, but if they are there is another that we suspect will task the powers of the whole Cabinet to win the approval of either House.

By our present colonial system, British manufactures flow freely all over the Empire, into Crown Colonies and dependencies, under such regulations as Her Majesty's Government may approve; into all the others under the privileges conceded in Earl Grey's Circular Despatch, which left to the self-governing colonies the right to regulate their trade as they pleased, with this single restriction, that they were not to impose discriminating duties, even in favour of the Mother Country. No more liberal dispatch

ever emanated from the Colonial Office since its first creation. The undersigned remember well when it was read in the Legislature of Nova Scotia, and the satisfaction it gave to enlightened public men and to all the commercial classes. This despatch struck down the last remnant of the old restrictive commercial system by which the states of Europe had, for centuries, hampered the trade of their plantations.

The system thus established has worked like a charm in every part of the Empire, and under it marvellous progress has been made in commercial development.

This system, fairly worked, is of universal application to the necessities of such an Empire as ours. Great Britain, repudiating protective duties and admitting food and raw staples free, gives to all her Colonies the benefits of the home markets upon the most liberal terms. The Colonies only imposing such duties as are indispensable for the support of their Governments, take all the productions of Great Britain in return. The Imperial Government providing for the national defence, might very fairly have given the British manufacturer the benefit of a small discriminating duty had it been so disposed; this was not done. The people of England relied on their capital, their skill, and their enterprise, to compete fairly with foreign and colonial industry, and we were left free, in all the North American Provinces, to purchase any article we might require, in the United States, in Canada, or anywhere else, and bring it home, paying no higher duties than we should have to pay had it been brought from England.

This is a most generous system, as the Provinces keep all the revenues they raise, and never pay a pound into the Imperial Exchequer. The American system is different; there the States enjoy free trade with each other, but pay all their import duties into the Federal treasury, which go to support the army and navy, and all the national establishments that, under our system, are maintained by the people of Great Britain. For some time, it has been apparent that the people of Canada were anxious to get the benefit of both systems. They tried discriminating duties upon their canals, and these, in connexion with the St. Alban's raid, cost all the Provinces the Reciprocity Treaty. They tried high protective duties, and only reduced them to within 50 per cent. of those collected in Nova Scotia, after the manufacturing towns in this country indignantly remonstrated, and when it was necessary to induce the Imperial Government to favour this other rather profitable "little game" of Confederation.

Before the Chancellor of the Exchequer goes down to Parliament to ask for these four millions of pounds, his penetrating intellect will have searched to the very marrow of the new commercial system, which, under cover of this Quebec scheme, he is asked to sanction. He will find it nothing more nor less than an attempt to exclude from half the continent of America British productions, by a discriminating duty of from 15 to 30 per cent., as the expenses of this Confederacy may increase, and to ensure to the Canadian manufacturer a monopoly of the consumption of all the Provinces the people of England have planted, and which they have defended down to the present hour. We are much mistaken if the Chancellor does not as readily penetrate the motives of certain persons in this country, who, having a disjointed and profitless contractor's line upon their hands, are most unfairly pressing on this crude scheme of Confederation, utterly indifferent to the nature of his responsibilities, or to the rights and interest of our Maritime Provinces. That the true character of the festive pitfalls, that these people have for months been laying for the success of their project, may be simply illustrated, let us imagine that the manipulators of the London, Chatham, and Dover, were to set about the hopeful task of persuading Her Majesty's Government to grant four millions sterling to complete their lines and restore their credit, charging the City of London with the interest, without ever permitting the liverymen to vote upon the transaction. No parliamentary sanction could be obtained for such an act of spoliation as this, and the undersigned shall wait with some curiosity to hear the Grand Trunk gentlemen in the House of Commons advocate the passage of an arbitrary act of spoliation, to apply to the Colonies which, were English revenues and franchises involved, no man would have the hardihood to propose.

Forced Unions.—Paper Constitutions.

We are sometimes reminded, in these discussions, of the old adage that "Union is "Strength." But is it always? Much depends on the nature of the materials, on the conditions and objects of Union, and very much upon the mode in which it is accomplished.

Belgium and Holland were not strengthened by Union, nor Austria and Venice. England was weaker than before when she ruled France from the Channel to the Pyrenees. The United States do not cover so large a territory as it is proposed to include in this Confederation. Whether arising from extent of surface, antagonism of

races, diversities of interest, or the defects of a paper constitution, that great country, endowed by the Creator with boundless fertility, with natural forests and rich fisheries, with motive power that no skill can measure, with mines that generations cannot exhaust, has just buried a million of people, slain in civil strife, or worn out by the casualties of war.

Half a million of maimed and broken men wander through her towns, every branch of her industry is burthened with debt and taxation, and the Legislature and Government, in fierce antagonism, are tearing to pieces the paper constitution in which they can find no remedy for the evils that afflict them. With all these evidences before us that Union is not always strength, and that paper constitutions are not really durable, the undersigned would respectfully submit, whether it would not be wise to pause, at least till we can see how our neighbours remodel their institutions, before we begin tampering with our own.

We are sometimes told that the Saxons were weak under the Heptarchy and stronger when united under a king. This is true, and if the people of Nova Scotia were divided into tribes, under rival chieftains, it would be wise for them to follow so good an example. But let us suppose that the Saxons had been united in one Parliament, with one ruler and in friendly alliance with the most powerful monarchy of those days, and that the French had come over to persuade them to remove the Wittenagemot to Paris, to submit to taxation without restraint, and to allow them to appoint all their principal officers, what answer would our sturdy ancestors have given? their old war cry of "bills and bows;" and if Her Majesty's Government will leave us free to give the same answer to the Canadians, when they make us the same proposition, this question will be speedily settled, without their interference.

The Normans conquered England at last, and again our own history teaches us lessons of wisdom. So long as these two countries were united they scourged and impoverished each other; and it was not until little England had her own Sovereign and Parliament secure within her own borders, free from foreign entanglements and influences, that she began to develop those physical, intellectual, and industrial resources, which have made her the wonder of the world. We have great respect for the million of Frenchmen in Lower Canada, who live about six times as far from us as Normandy is from England; but yet warned by this page of ancient history, we would much prefer that they should govern themselves and let us alone. Our country is small, but the sea is large enough, and we will take our share of it, and carve out a noble heritage for our children, as Englishmen did before us.

The advocates of this measure often refer its opponents to the Scottish and Irish Acts of Union; but assuming the necessity to be as urgent and the cases analogous, which they are not, the Union of the Three Kingdoms would only prove that the Maritime Provinces might at some time hereafter be drawn together by some simple arrangements mutually satisfactory.

Those Provinces are larger than the Three Kingdoms; their population is homogeneous; their interests are the same.

The people of these Islands did not connect themselves with a large continental country that could always out-vote them, and which, having no power to protect them, might yet drain their resources and hamper their trade. Why should we?

The undersigned have no desire to be drawn into vexed questions of Scottish and Irish politics, but would with all respect invite the attention of Her Majesty's ministers to these marked distinctions. Ireland was a conquered country long before the union, and the sister island, being the strongest, had perhaps the right to settle her form of government. The Canadians have never conquered the Maritime Provinces, and have acquired no such right. Had the principles of government been as well understood sixty years ago as they are now, had the Irish Parliament represented the whole body of the people, and been content, as Nova Scotia is, to work responsible government in due subordination to the Crown and Parliament of England, who can say that the Act of Union would ever have been thought of, or that she would not have been a thousand times more happy and prosperous without it? But assuming the union to have been a wise measure, then we should be careful to avoid the errors by which it was marred at the outset, and which have caused irritation and disturbance ever since. The Irish union was carried by means which even the necessity can hardly justify, and a rankling sense of unfair play in the mode has underlaid the whole politics of Ireland ever since. The measure ought to have some redeeming features, but seeing that it has led to two or three rebellions, that the country has been more than half a century in a state of chronic insurrection, that hundreds of thousands have died of famine, and that millions of Irishmen emigrate, to render our relations with a great country perilous, while those who

remain tax our highest statesmanship with social problems very difficult to solve, the undersigned would respectfully ask that no unwise experiments after the Irish method shall without necessity be tried in happy and prosperous Provinces, where the just authority of the Crown and the supremacy of Parliament have never been disputed.

Union was forced upon Scotland and England by conditions which may ultimately lead to a union between Canada and the United States ; but in the case of Nova Scotia and that Province do not exist. The two nations had a common frontier, and for centuries they had been involved in raids, incursions, and great wars, by which their populations were constantly thinned and their resources exhausted. But Canada has had no wars with Nova Scotia, Prince Edward Island, or Newfoundland. Their frontiers are hundreds of miles apart, and until this Quebec scheme, which is rapidly training their populations to distrust and hate each other, was propounded, they had lived in peace and friendship, as we trust they may live again when these intrusions have been abandoned and are forgotten.

One great reason why the Scotch consented, if they ever did consent, to give up their separate legislature was because they had no colonies and but little foreign trade. Are we coerced by any such necessity? With all the great Provinces of the Empire, with these populous Islands open to our enterprize, and with solemn treaties clothing us in all foreign countries with the privileges and immunities of the "most favoured nations," what advantages can these Canadians confer upon us or take away that we should surrender to them our revenues and submit to their domination? The union of the two kingdoms was facilitated by the accession of a Scotchman to the throne, but we, who for a century have been fellow subjects of the same Sovereigns, are all united under one Crown to an Empire whose proportions we are most unwilling to exchange for all the hypothetical advantages which we are likely to gather when included, against our will, in this Quebec Confederation.

We are sometimes told that Holland derived strength from union, but after all her struggles she is no more free or happy than Nova Scotia is now. And why did her people unite? To free themselves from a larger country, a long way off, which drained their resources and denied them self-government. Holland is an example of what small states that love liberty and "go down to the sea in ships" can do ; and we, who follow in her footsteps, ought not to be trammelled by connexions like those which it cost her the best blood of the country to throw off.

Switzerland is occasionally referred to, but Her Majesty's Government would do well to remember that Nova Scotia is as large as Switzerland ; that her form of government is better ; that our counties are more united than are her cantons, and that we enjoy besides the alliance and protection of a mighty Empire, which guards us from foreign aggression. Canadian domination would be as distasteful as Austrian domination was to Switzerland ; and if established over our people without their sanction, a Gesler from the St. Lawrence might occasionally hear the crack of a rifle, and be reminded that men think of their bullets when their franchises are denied.

Federal Safeguards.

There is one radical defect in this Quebec scheme of government which should not be overlooked. No means are provided by which the people, should it be found defective, can improve it from time to time. Whenever a change is required they must come back to the Imperial Parliament. The wise framers of the Federal Constitution of the United States provided at the outset the means by which that great instrument might be amended and improved, and they gave to the Supreme Court the power to decide all questions of jurisdiction and authority, between the general Government and those of the several States. No such tribunal was created at the Quebec Conference, nor are any safe-guards provided for the protection of the Provinces, should their local legislatures and the Parliament at Ottawa come into collision.

Though democratic in its origin, and in many of its aspects, the Constitution of the United States was wisely protected from the hazard of rash innovation. It cannot be changed or amended till the alterations proposed have been accepted by the people, and ratified by a two-thirds vote of both Houses of Congress. The people of every State have their rights guarded by similar provisions. The people of Connecticut have their rights and liberties thus guarded :—

"Art. 11.—Of Amendment of the Constitution.

"Whenever a majority of the House of Representatives shall deem it necessary to alter or amend this Constitution they may propose such alterations or amendments, which proposed amendment shall be continued to the next General Assembly, and be

published with the laws which may have been passed at the same session. And if two-thirds of each House at the next Session of said Assembly shall approve the amendments proposed by yeas and nays, said amendments shall by the Secretary be submitted to the town clerk in each town in the State, whose duty it shall be to present the same to the inhabitants thereof for their consideration at a town meeting, legally warned and held for that purpose; and if it shall appear in a manner to be provided by law, that a majority of the electors present at such meeting shall have approved such amendments, the same shall be valid to all intents and purposes as a part of this Constitution."

The people of Mississippi have thus protected themselves from surprise or hasty innovation.

"*Mode of Revising the Constitution.*—That whenever two-thirds of the General Assembly shall deem it necessary to amend or change the Constitution they shall recommend to the electors at the next election for members of the General Assembly to vote for or against a convention. And if it shall appear that a majority of the citizens of the State, voting for representatives have voted for a convention, the General Assembly shall, at their next session, call a convention to consist of as many members as there may be in the General Assembly to be chosen by the qualified electors in the same manner and at the times and places of chosing members of the General Assembly. Which convention shall meet within three months after the said election, for the purpose of revising, amending, or changing the Constitution."

How mortifying will be the contract, should our constitutions, highly prized and successfully worked for a century, be overthrown by a chance combination of a few rash politicians, escaping responsibility by an appeal to Parliament, and over-ruling the electors, to whom the exercise of the franchise, on a question involving the highest interests and most solemn obligations, is to be denied. Let this precedent once be established and what becomes of the rights of every other Colony within the Empire? Let the impression go abroad, that any half-dozen politicians may come to England, and by influence, intrigue, or ex-parte representations, may overturn the constitution of any Province, without an appeal to the electors whose rights and revenues are to be swept away, and a thrill of doubt and apprehension will run through all Colonial society. The reliance, so universal upon the honour of the Crown and on the justice of Parliament, will, by this single act have been sapped and undermined. When no wise administration of affairs no evidence of material prosperity and social elevation, can be pleaded to protect us from revolutionary change, who will live in a Colony, that can get out of it, and what security for our rights and franchises will remain? That the relations of Great Britain with the United States have been and will be complicated by these unwise propositions the undersigned have not a doubt. No Fenian raids were heard of till after the convention at Quebec, and Governor Banks's Bill was the natural result of their unwise deliberations. The politicians at Washington were shrewd enough to perceive the weakness of this "new nation" and a few thousands of Irishmen, flung upon the frontier to be ultimately controlled by General Meade, were perhaps meant to test its resources. They also saw clearly enough that the terms offered by Canada to the Maritime Provinces, and to the population in central British America, if not insulting were inadequate and unjust, and General Banks's Bill was immediately framed to show to the Provinces that they had other resources if coerced and oppressed by the Canadians. If the Quebec scheme is laid aside we shall hear no more of Governor Banks's Bill, or of the Fenians either.

If it is not, then it may be as well for us to view dispassionately the range of temptation which it presents.

The Canadians seek to annex the territory of the Hudson's Bay Company, without the means to organize people or protect it. The United States can, and they offer at once to divide it into two territories, and ultimately to incorporate both and take them as States into the Union.

The terms offered to the Maritime Provinces are far more liberal than those grudgingly yielded by the Canadians. Let us contrast them. By General Banks's Bill, Nova Scotia would at once secure free trade with 34 millions of people, whose markets are accessible at all seasons, instead of with three millions who are frozen up for half the year, and in summer can only be got at by a long tedious river navigation. They would participate in the American fishing bounties, so long as these last. They would secure protection abroad which the Canadians cannot give them. Capital would flow in from Boston and New York, to work their mines and employ their water power. Canada has none to spare. Turning from material to political interests how would matters stand? Nova Scotia would enter the Union as a State, clothed with the accustomed rights and guarded by recognized securities. She would select her own

governors, judges, and senators, uncontrolled by any Federal authority. All these, by the Quebec scheme, are to be selected for her by the ruling parties at Ottawa; and while she elected all her own State Legislators and officers, the Supreme Court would protect her in case of collision or encroachment.

We do not dwell upon the range of ambition presented by this great country to the ardent and the adventurous. We trust we have said enough to show that, as compared with General Banks's Bill, the temptations held out by these schemers at Quebec are "poor indeed." It may be said, "Aye, but you will have to surrender your customs "revenues to the General Government." What matter? The Canadians are to take all but 80 per cent. per head. We shall not be much worse off when the balance has been taken. But then you must bear the heavy taxes of the United States. True, but the taxes will be reduced as the debt comes down, and in 20 years it will be reduced one-half by the natural increase of the population. In the meantime we shall enjoy protection, which the Canadians cannot give us. We shall have escaped from fraternity with those who would have meanly played the "big brother," trampled upon our rights, and denied us the exercise of our franchises, and shall have vindicated our love of liberty and fair play.

We have thus, my Lord, simply stated the case as presented to us by General Banks and the Quebec Convention. With all the temptations offered us at Washington, we ask simply to be let alone, or we ask to be folded to our mother's bosom, and not cast out into the wilderness of untried experiments and political speculation. Nova Scotia says to England, as Ruth said to Naomi, "Where you go we will go, your people shall "be our people." This love and affection spring from a thousand sources that we need not linger to describe, but which it would be a fatal mistake to suppose can ever be transferred. You cannot endorse our hearts or our allegiance over to the Canadians as you would a note of hand, or invest a village on the Ottawa with the historic interest and associations that cluster around London.

Newfoundland.

Newfoundland, the oldest Colony of the group, is nearly as large as Great Britain. She has had her peculiar difficulties, which her people have manfully overcome; for a long period she was treated, not like a Province to be settled, but like a ship moored in the ocean for the use of the fishery; people were forbidden to build and live upon her shores; there was no settled government, and justice was administered by naval officers and surrogates who visited the harbours in men-of-war.

By-and-bye people were permitted to settle and improve; then came a resident Governor, and afterwards a Legislature and permanent judiciary. As population increased, and wealth and intelligence became diffused, the struggle for self-government commenced. Able men, suited to the occasion, sprung up there as they did in the other Provinces. Led and guided by these, the people ultimately won responsible government. No finer population exists on the mainland than are to be found on this island. These people are rapidly developing the resources of the Province, and are enjoying many privileges in their fine harbours and exhaustless fisheries. They will presently extend their agriculture, open their mines, and take to deep sea navigation. These people have free trade with all the world; they can now adjust their tariffs to suit their own circumstances. They have no natural connexion with Canada any more than England has with Hungary or any other wheat-growing country in the heart of Europe. When it was proposed to annex this island to Canada, the people, with the instinct of self-preservation, shrunk from the proposal; the last House would not entertain the project. When the elections came off the electors returned a clear majority against Confederation.

This island is one of the outposts of England, and should never be given up while we can keep the sea; while we hold it we control St. Pierre, Miguelin, and the French fisheries on the banks, and can sweep their naval reserve at any time by employing for a few weeks or months the 38,000 fishermen and seamen that Newfoundland can furnish. For a clear and able exposition of the views which the people of Newfoundland entertain upon this vexed question of Confederation the undersigned respectfully beg leave to direct your Lordship's attention to their petition included in the Appendix.

Prince Edward Island.

Prince Edward's is a naturally fertile Island in the Gulf of St. Lawrence. At the fall of Louisburg and Quebec it became British territory. It was then a comparative wilderness, but was surveyed in lots of 20,000 or 30,000 acres each. Tickets representing

these lots, and numbered, were placed in a box, and some 60 or 70 persons who had influence in England were permitted to draw them, and thus, in an hour, became the proprietors of the whole Island. These proprietors were bound by their grants to pay quit rents, and to settle their lands; but few of them did either. The Island was at first attached to the Government of Nova Scotia, but was organized as a separate Colony on the pledge of the proprietors that they would provide for its civil government, a pledge which they never redeemed. Population flowed in, and the lands were partially occupied, under a system which never existed in the other Provinces. The landlords claimed their rents, which the tenants often refused to pay, alleging that the proprietors had failed to fulfil the conditions of the grants. Thence arose agrarian difficulties and disputes which wasted the time and substance of the people. These disputes have lasted for 70 years. Thus perplexed, the progress which this fine little Colony has made is most creditable to its people, who have cultivated it extensively, have a large export to Great Britain, to the other Provinces, and to the United States, have battled for and established Responsible Government, and are now working through their agrarian difficulties. It may be fairly said of these islanders that, having had perplexities unknown to us on the main land, they have wrestled manfully with them, and have shown a capacity for self-government worthy of all praise. When the Quebec scheme of Confederation was presented to this people, but five men in the two branches voted for it. Who can wonder? Look across the narrow straits which divide them, to the Magdalens or to Gaspe, which belong to Canada. Those countries distant from the seat of Government are comparatively neglected and unimproved, while Prince Edward Island, enjoying self-government and the management of her own affairs, is commercially prosperous, and cultivated like a garden.

A general election is now being held in this Province, and so distasteful is the very thought of Confederation that no man on either side of politics can ascend the hustings with any chance of success who does not pledge himself to oppose it.

The undersigned cannot close this reference without expressing their admiration at the spirit displayed by the people of Prince Edward Island, when the Delegates from Nova Scotia and New Brunswick offered its constituency a bribe of 800,000 dollars if they would come into this confederacy. The public conscience of England has been a good deal shocked by revelations of electoral corruption at Totnes and Yarmouth, this summer; but the undersigned record with some sense of shame, the fact, that it was reserved for persons who profess to represent communities across the sea, where honour and integrity are highly prized, to offer to purchase the votes of a whole Province by bribery and corruption.

Few such transactions are recorded in modern history; let us hope that, within the wide compass of the British Empire, this may be the last.

Nova Scotia.

We have already spoken of the material prosperity of Nova Scotia. We may, perhaps, be pardoned if we refer briefly to its political history. For nearly a century and a half after its discovery and foundation, the few British settlers who came into it, aided by Englishmen in the neighbouring Colonies, fought to defend this Province against the French of Canada. We are now asked to surrender it to Monsieur Cartier without a blow.

Halifax was founded by four or five thousand Englishmen under Cornwallis, who illuminated their houses when Quebec was taken. How many windows will be lit up when, by a wretched intrigue, and an arbitrary Act of Parliament, without the chance to deliver a vote or fire a shot in our own defence, we are transferred to the dominion of Canada?

In 1783 twenty thousand loyalists came down from the old revolted Colonies. They left their property and prospects, and many near and dear friends behind them, and they reinforced, by their activity and intelligence, the feeble progress of the early emigration. These men are all dead, and they died with the assured conviction that they had founded a Province where British institutions might be still preserved, developed, and respected. Could this "noble army of martyrs" for opinion's sake be assembled to-morrow, they would refuse to form part of a confederacy in which all the worst features of republicanism were to be illustrated, without any of its securities.

The later emigration came from the British Isles. On the national holidays the Englishman wears his red cross, the Scotchman his thistle, the Irishman his shamrock, the Welshman his leek, and the native race, sprung out of their loins, twine with these old world emblems the mayflower, the earliest bud of spring; which, like that native

race, seems to derive its freshness and aroma from the vigour of the climate. Nova Scotia will never agree to exchange for these emblems the maple tree and beaver of Canada. At their annual festivals what Nova Scotian would substitute "Rule Canada" for "Rule Britannia"? Nobody, who would not risk being thrown out of a window; and Her Majesty's Ministers will at once perceive, that to force upon our people changes, revolting to the whole current of their social life and political history, would be a blunder worse than a crime.

Burke tells us, that "The Constitution of a country, being once settled upon some "compact, tacit or expressed, there is no power existing of force to alter it, without "the breach of the covenant or the consent of all the parties."

We have shown that the Constitution of Nova Scotia has been settled by compact with the early pioneers, with the British settlers led by Cornwallis, with the loyalists, with the later emigrants from these Islands; and the records of your Lordship's department show how, for a century, in every form of documentary evidence, that compact has been recognized. Has it been forfeited by neglect or misdirection of the powers conferred? The material prosperity of the Province, already illustrated in this paper and in the documents and pamphlets included in the Appendix, supply the answer. Has it been abused by acts of tyranny or oppression? The very reverse can be proved. When the power of France was broken, a remnant of French Arcadians remained in Nova Scotia, scattered, powerless, feeble. For 100 years, since she has had her own Legislature, these people have never had to complain to the Queen, or to the British Parliament of a single act of oppression. Protected by equal laws, admitted to the free enjoyment of every common right and to social communion, these people have seen afar the national rivalries and distractions of Canada; and, secure in the enjoyment of all that they can desire, not a man of this whole race is in favour of the Quebec scheme of Confederation.

Some thousands of the aboriginal Micmacs remain in the Province. We have never asked the Imperial Government to give them presents, and they have never implored Exeter Hall or the benevolent societies of this country to protect them. Lands have been reserved for them, and every man can obtain his 100 acres when he chooses to claim it. Every occupation and profession, every school and every public position, is open to the Indian as to everybody else. Society welcomes the slightest indication of refinement and intelligence among these people, and the townships provide for their poor.

With the early emigrations from the old Colonies slaves were brought in at a time when bondage was legal even in the New England States; but our laws never recognized slavery, and these people became free. During the war of 1812–15 Sir George Cockburn commanding on the southern seaboard carried off some hundreds of negro families and flung them into Nova Scotia. There are now by the census about 5,000 of the descendants of these Africans in the Province. Have they been oppressed? No; but to its honour let it be recorded, that the Legislature has practically settled in regard to them long ago every question which is distracting the councils and disturbing society in the United States.

They were enfranchised in 1837. Under the operation of equal laws, which take no note of colour, when qualified they sit on juries. The schools, the colleges, the professions, and all public employments are open to them. Society does not exclude them, but, on the contrary, fosters any manifestation of legitimate ambition; and the people of England who purchased at heavy cost the manumission of their own slaves, may point with pride to the manner in which these poor Africans thrown by the storms of life into Nova Scotia have been treated.

Long before the Duke of Wellington brought in the measure for Catholic emancipation the Legislature of Nova Scotia admitted Catholics to sit, by simple resolution, in spite of the penal laws. O'Connell often expressed his admiration at this act of liberality, in advance of the public sentiment of this country; and we trust it will not be forgotten, should the people of Nova Scotia be reluctantly compelled to appeal to Parliament for protection.

Besides thus dealing with distinct classes and orders, how have our countrymen provided for their internal administration? Your Lordship can scarcely ride five miles in Upper Canada without being stopped by a toll bar or a toll bridge. There are but two toll bridges in Nova Scotia and all the roads are free. They have Stamp Acts in Canada, but we have not yet been driven to this refined species of taxation. With our low tariffs we can yet afford to circulate newspapers free of charge. Like everything else they are made to yield revenue in Canada. Can your Lordship wonder, when these internal taxes are to be imposed on us in addition to the 50 per cent. upon our foreign trade, that we should not be very anxious for Confederation?

The people of Nova Scotia provide for their poor, for lunatics, and deaf mutes; they light their coast and maintain humane establishments at every point dangerous to navigation. They educate their people, provide for every officer, including the Lieutenant Governor, train their militia, discharge the duties of hospitality, and when let alone live in peace with their neighbours.

The undersigned trust that, in view of this simple record, Her Majesty's Government will at once decide that she has not forfeited her constitution by any "breach of "covenant."

But, it may be asked, have not all the parties consented to this change? and the undersigned would answer with all respect, that whoever may have consented, the people of Nova Scotia have not, and that they are the only persons whose relinquishment fulfils the condition.

The Parliament of England, with the consent of the Crown, can change or alter the constitution of this country, but will it be pretended that they have the right to annex it to France, in violation of the trust reposed, and without ever consulting the people? There was no law against parricide in Rome, and there is no law against such an act of treason in England for the same reason; but, if the attempt were made it is not unlikely that Judge Lynch would be suddenly elevated to the Bench, and that Temple Bar would exhibit some ghastly decorations as in the olden time.

We have shown that the people, in every State in the neighbouring Union, are protected from surprise even where amendments to their Constitutions are to be proposed. But they never dreamed of acts of treason such as that we oppose. Nobody ever imagined that the actual autonomy of a State would be threatened, or that it would be ever proposed, without the consent of the people, to merge the Jerseys into Pensylvania or Rhode Island into New York. No such experiment has ever been tried upon the patience of our neighbours.

That the Parliament of England can deprive a Colony of its Constitution is not denied, but we have shown that, in this case, it is barred from the exercise of an acknowledged right.

1. Because the settled policy of the Empire would be disturbed, with great risk of dismemberment.
2. Because its naval and military defence would be weakened and endangered.
3. Because its free trade policy would be reversed, and discriminating duties against British industry established.

And we trust we have shown that the House of Assembly of Nova Scotia, if in full possession of accustomed powers, and not emasculated by a change of franchise, have no right to violate a trust only reposed in them for four years, or in fact to sell the fee simple of a mansion of which they have but a limited lease. Your Lordship would not probably recognize a sale of your estate by a steward employed to collect the rents and keep up the enclosures, even if he were still in your service; but if it could be shown that his agreement expired a year before, and that he had actually no authority to do anything, your Lordship would be as reluctant to recognize his fraudulent conveyance as we are to attach the slightest importance to anything done by a representative body sitting upon a franchise that had expired, and that should and would have been dissolved a year before if the Queen's Representative had exercised the prerogative in accordance with British and Colonial usage. We trust that Her Majesty's Government will, before a single step is taken, submit this question to the Crown officers, with the additional fact that two special elections having been run since the new law came into operation there are actually two gentlemen sitting upon the new franchise, whilst the rest of the House are sitting upon the old. We do not believe that such an absurdity as this ever disfigured British Legislation, and we also trust that instructions will be forthwith sent to eliminate the anomaly from the practice of the only Colony where it has probably appeared.

That the people of Canada are entitled to have this question sent to the hustings does not admit of a doubt. There may be a majority in favour of it, but if there is, will that majority approve of such a liberty being taken with their institutions, just on the eve of a general election, when their suffrages can be so easily collected.

Even if this were a good measure, when once the precedent is established that arbitrary Acts of Parliament, over-riding their franchises, can be obtained by chance combinations of intriguing politicians, assembled at the public expense in a London hotel, who is to protect the people of Canada, or of any other Colony from bad ones? What pride will Canadians take in any form of government that can be so easily overthrown?

But the people of Canada should be consulted for reasons purely English. A few

years ago certain politicians, desiring to escape the responsibility of deciding a local question, asked the Queen to select a seat of Government for them. The Imperial Authorities should have refused to interfere. In an evil hour the ungracious task was assumed, and Ottawa was selected. After an enormous sum of money has been expended in erecting public buildings, it is discovered that Ottawa is but a shabby imitation of Washington, upon which in three parts of a century, the national pride of a great and prosperous people has squandered untold treasures, without being able to make it bear a comparison with fifth-rate cities, created by the natural arrangements of Providence, and the unaided industry of man. The employés of Government and of the Legislature, lobbying agents in search of jobs, electioneering partizans, tourists who come to see the Capital, or swell the crowd at the President's miscellaneous receptions; with hackmen, gamblers, and negroes, make up, in a great measure, the society of Washington. There is no healthy independent public opinion, to watch, to weigh, to discriminate, as there is in London, or would be in Quebec or Montreal, Boston or Philadelphia. Everybody now admits that Washington was a mistake; and, if so, what shall we say of Ottawa, in which nobody that can get out of it, remains one day after the session closes? The Lamirande case illustrates the mode in which, under these circumstances, business is transacted. In selecting Ottawa then, it is obvious that the Government of the day committed an error. The Queen can do no wrong, and it is certain that Her Majesty, for this act, is the least to blame. Yet complaints, loud and general, heard everywhere in Canada, at this absurd selection and wasteful expenditure, are cleverly dodged on the stump and on the hustings, by politicians, French and English, who shrug their shoulders, and lay the blame on the Queen and her Ministers "over the water."

Should we repeat this blunder in a matter of tenfold the importance? Of all the responsibilities that beset his path a wise statesman would desire to avoid becoming sponsor for the practical working, by a population by no means homogeneous of a written constitution. The fox turned back when he saw the downward path strewed with bones; and what despots den in Europe is not strewed with the fragments of written constitutions? The Abbé Lievas, if alive, would have supplied these gentlemen with a score quite as presentable as their second edition of the Quebec scheme, revised and corrected. But who would like to be accountable for the working? Commanding the Channel fleet is assumed to be a difficult task for a civilian, but, if a shrewd one, he would run down upon the enemy, and the skill and valour of British seamen would carry him through. But when it comes to working a new paper constitution by a mixed population, composed of different nationalities, who have just torn their old one to shreds, this is another affair; and no wise Englishman, if he can avoid the risk, will become responsible for the instrument, or the mode in which it may be administered. If this measure fails, let not the people of Canada lay the blame on the Government and Parliament of England, as they certainly will, if, with a general election impending, it is imposed upon them in hot haste by an Imperial Statute.

Nova Scotia, however, stands in a very different position from Canada. There is not the shadow of a pretence that her people are in favour of the Quebec scheme of Confederation, and it can hardly be assumed that they are in favour of another that they have never seen. Your Lordship will find in the Appendix to this paper evidence to prove that the former was generally distasteful to the Legislature and people of Nova Scotia. The evidence includes the speeches and declarations of persons friendly to the Delegates, and the resolution moved by Mr. Tupper, which in 1865 declared a political union with Canada "impracticable," and again pledged the House to seek a union of the Maritime Provinces.

The resolution under which the Delegates from Nova Scotia came here contemplated a Conference, in which all the Maritime Provinces should be represented. Newfoundland and Prince Edward Island refuse to send Delegates or to share the deliberations of the Conference. Is there any evidence to prove that, had this fact been known, the Legislatures, either of Nova Scotia or New Brunswick would have passed their resolutions? Is there any evidence to prove that either Province would consent to confederate with Canada, when in the absence of the two others, their influence would be so much less, and the vote of the Maritime Provinces reduced from 47 to 35?

But your Lordship will perceive that the resolution passed in Nova Scotia, while it gives these gentlemen power to frame a scheme of government, does not ask that that measure, when framed, shall be fastened by an arbitrary Act of Parliament on the people who would be bound by it. Mr. Cardwell directed that the Quebec scheme should be submitted to the Legislatures; your Lordship, we would respectfully suggest, can scarcely do less with any new one, and it would be a most ungracious act to submit such a question to a House sitting upon an expired franchise, and within a few weeks of

the period when by law the Parliament will be dissolved, and the whole people will be called upon to express their opinions.

Mr. Tupper admits that 16,000 persons during the last session petitioned the Provincial Legislature deprecating this change; not a single petition was presented in its favour. More than double that number have signed petitions to the Imperial Parliament praying that no measure may be passed that has not been submitted to the electors; we have not yet heard of petitions in its favour. Eight great counties have addressed the Queen, praying the protection of the Crown, and the other ten would have sent similar addresses had not the controversy been suddenly transferred to this side of the Atlantic. Three counties have already condemned this policy at special elections, and ten members who voted for the resolution under which those gentlemen have come here were asked to resign their seats, because by that act they had betrayed the confidence of their constituents.

The undersigned conscientiously believe that the Quebec scheme, or anything resembling it, cannot be carried in three counties out of the 18, and they would not be surprised if not a single constituency could be induced to accept it. They are willing to leave the question to the electors in the ordinary constitutional mode. Mr. Tupper appears to apprehend that his personal unpopularity on other accounts might interfere with a decision pure and simple. If this gentleman has made himself unpopular, why should he attract towards your Lordship the indignation of the people? Why should Nova Scotians be debarred of their rights? If he is afraid to trust the electors let the question be referred to the enrolled militia of the Province, who will vote it down by regiments. A great statesman, with an important policy to propound, goes to the country with a glow of honest pride, and challenges the decision that places the stamp of public approbation on his measures and confers distinction on himself. How is it that these politicians from Nova Scotia shrink from the ordeal to which men, confident in the justice of their cause, are so willing to appeal? Why, when they have sowed the wind in the Province should they seek shelter in England from the whirlwind, and ask to be protected by an Act of Parliament from the obvious responsibilities, that at the hustings and in the midst of their own people they are bound to assume?

But suppose that in this case there was a doubt as to the opinion of our countrymen, what then? A criminal in the dock, taken red-handed with all the evidence of guilt gathered about him, cannot be condemned on imperfect testimony, and the jury are instructed by the judge to give the wretch the benefit of the doubt if there is one. In this case we are not counsel for criminals, but for a great community above suspicion, whose record is honorable, whose hands are clean, and we ask in full reliance upon the justice of the Cabinet, that the recognized principles, even of criminal jurisprudence, may be applied to them. "Strike, but hear us," is the simple appeal of a great community of Englishmen who are most reluctant to believe that the safeguards on which they and their fathers have relied for a century are to be broken down.

The law of barratry protects the merchant from a fraudulent conveyance by the master. If a ship that may not be worth a thousand pounds, is thus guarded by our tribunals, shall it be said that a whole province may be sold, and its rights and revenues transferred, without the knowledge or consent of the owners? Is there an honest man in England who would be a party to such a transaction?

There is no evidence to prove that Earl Russell, Mr. Gladstone, or Mr. Cardwell, once convinced that the people of either or all of the Provinces were opposed to this great change would have arbitrarily enforced it. During the past six months the undersigned have mixed freely with Englishmen of all ranks and opinions; and, with the exception of a few persons, interested in depreciated railway shares and Canadian debentures, we have heard but one opinion, that no change so fundamental should be even entertained by the House of Commons till the measure came there, backed by the most unmistakeable evidence that it had been approved by the electors.

All the papers that favour Confederation, with a rare exception or two, discountenance the idea of coercion; and the undersigned, though in duty bound to argue the question in this form, cheerfully acknowledge that they never have had a doubt as to the decision of Her Majesty's Government. But, it may be asked, cannot something be done to improve the present Colonial system? To answer this inquiry would require more time and space than can be spared just now; and, besides, we desire to discuss this scheme of Confederation by itself. We may observe, however, that what is done should take the form of consolidation and not of dismemberment. The planetary system would not be much improved if Mercury were detached, and though Canada might be spared, the principle of dismemberment is unsound and ought to be discountenanced.

Should Her Majesty's Government decide upon organic changes these should be general and applicable to the whole Empire. If any sort of union is required for the North American Provinces then a short permissive Bill (a draft is included in the Appendix) might be passed, leaving the matter entirely in the hands of the colonists themselves, to form a union if they wished it, with the further power, which the scheme of the Delegates does not provide, to change, alter, or amend it from time to time without coming to the Imperial Parliament.

But something simpler even than this is all that can really be required for some years to come. The Governor-General might be instructed to summon one or more members of the Cabinets every summer, to form a Council of Advice to discuss intercolonial topics, to prepare drafts of such Bills as might be required to secure uniformity or simplify the system. These measures would readily pass the several Legislatures if they were deserving of support, and be very properly rejected if they were not. In this mode all questions touching railroads, currency, or tariffs, might be easily adjusted, and the quotas of men and money that each Province ought to furnish for the general defence might be just as readily arranged. Imperial interests would still be watched over by the general Government, and the Provincial Cabinets and Legislatures would then as now do the internal work of each Province. In a short time the hard feelings, growing out of this unwise experiment would pass away, and British America would once more present the picture of a prosperous family of States, offering neither offence to their neighbours nor embarrassment to the Mother Country, but illustrating to our republican neighbours over the way the value of British institutions.

Before concluding an argument, the length of which nothing could justify but the momentous interests involved, and the heavy responsibility that rests upon the undersigned, we desire to dissipate a fallacy often intruded into these discussions. It is said that the tendencies of modern political life are to the consolidation into large states of people having one origin, or speaking a common language ; that the German inspiration is " the fatherland," and a great united nation ; that the Italian sighs for a united Italy, with Rome for its capital. This is true ; but let it be remembered that what the Germans and Italians dream of and fight for we now have. We are in full communion with all who speak our language in every part of the world (the United States excepted) we have one Sovereign, one flag, with the most populous, wealthy, and powerful city, the fountain head of our civilization, and the Pantheon where our sacred dust reposes for a capital. Our " father-" lands," cultivated to the water's edge, are studded with picturesque ruins which revive the past, and palaces where all that can illustrate ancient manners and modes of life is intermingled with modern art, literature, and refinement ; and, having all this thrown around industry that never wearies, enterprise that nothing daunts, and courage of the finest temper, are we to be told that we have a new nationality to construct, a home to seek, a capital to found ? No indeed. When three or four small States withdraw from the North German nation, now in course of consolidation, when a few offshoots from Italian unity form an inferior confederation which embodies nothing, and represents nothing but their own vanity and want of judgment, it will be time enough for us to try experiments so doubtful, at variance with the logic of events which modern history records.

We have the honour to be

Your Lordship's most obedient, very humble servants.

(Signed) JOSEPH HOWE.
WILLIAM ANNAND.
HUGH M'DONALD.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

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No. 1.

Opinions of Members of the Legislature.

That the Quebec Scheme was understood to have been abandoned by the Government is evident from the remarks of gentlemen in the Legislative Council who favoured Confederation in the abstract, and voted for the resolution to arrange a new basis of Colonial union.

Hon. Mr. Anderson said,—"As to the mode of raising the local revenue, I differ *in toto* from the decision arrived at by the Quebec Conference."

The Hon. Gentleman then stated that the net local revenues of Nova Scotia, arising from Crown lands, gold-fields, and Royalty on coal amounted in 1863 to 14 cents per head of the populations; that the net revenues from Crown lands alone in Canada was equal to 24 cents per head, while in New Brunswick, including the extra grant from the general Government, it would amount to 54 cents per head, or nearly 400 per cent. more than we would receive in Nova Scotia. "Let an equal amount," said Mr. Anderson, "be allotted per head, according to the population, to Canada, New Brunswick, or Nova Scotia. I ask no more, and will be satisfied with no less."

Hon. Mr. Pineo.—"I opposed Confederation with the Quebec Scheme. I opposed it because I felt that the details of that scheme did not give equal justice to the Maritime Provinces, particularly to Nova Scotia. My colleague said that he was not very sanguine as to the mercantile advantage of Confederation. I do not myself believe that our financial affairs will be benefited by the change. I believe that this country is as well off now, perhaps better, than it will be under Confederation. I think that our delegates should contend that the general revenues should be distributed among the different provinces for local expenditure in proportion to what they contribute. It is not in a week, or a month, or even in two or three months, or a year that proper details can be settled for so important a measure; for when once settled it is to last for ever, and before it is finally consummated they should take a long time to consider, lest some mistake should be made.

Hon. Mr. Dickey, one of the delegates to the Quebec Convention, said,—"The Quebec Scheme will probably be referred to; but for the present it is laid aside, and the delegates to be appointed will start *de novo*. The new delegates will be appointed on a very different principle from that on which their predecessors, at the Quebec Conference, were appointed. In public I have never concealed my opinion on two important points. I had serious objections to the Quebec Scheme; and, second, that I was not so sanguine as to the benefits to be derived from that union as some of my colleagues. The hon. gentleman must not then expect me to act a part. I cannot and will not affect an enthusiasm I do not feel."

Hon. Mr. Patterson.—"I do not intend to make any remarks on the Quebec Scheme; it has been pretty roughly handled by most speakers, but the Government by the resolution they have introduced have abandoned it. That an unwilling consent to the resolution was wrung from many members of the legislative Council is evident from the reported speeches. The name of the Queen, the Governor, and the Admiral were freely used to influence members to accept a policy which, it was said, had received the deliberate sanction of Her Majesty's Ministers. Threats, too, were freely uttered, that if the Legislature refused to confederate, the protection of the Imperial Government would be withdrawn, and the country left to its fate at a time when the Fenians were threatening an attack upon the Provinces."

Hon. Mr. Pineo said,—"I am always glad to conform to the views of the British Government as far as possible, but had this measure been proposed to us 12 months ago, I should have either voted against it or remained neutral."

Hon. Mr. Anderson.—"It is true that this province is at present very prosperous, but is it optional with us to remain in our present condition? I think not. The British Government have shown us that they are decidedly in favour of union, and that they expect us to assent to it. Not only does the Imperial Government urge this question upon us, but the entire press and people of England are urging it in every possible way. 'Are we in a position to defend ourselves?' Are we prepared to meet any invading foe?"

Several gentlemen claimed the constitutional rights of the parliament and people of Nova Scotia to pass upon any scheme of union that might be arranged.

Hon. Mr. Tupper said,—"The Resolution before the House asks whether the people of Nova Scotia wish Confederation or not. I think the question can be very easily settled. Let it go to the people,

* These being pamphlets already published, are not reprinted.

and let them decide. To force people against their will will make a party in Nova Scotia which will last for ages. Let us take warning by other countries.

Hon. Mr. Brown.—"We have been told that England passed laws of equal importance to the measure now under consideration without special reference to the people. In my observations on a former day I challenged any member of this House to name any great measure which had been so passed, and there is none that can be named analogous to that before the House. No great measure has in modern times been passed in England which has not been repeatedly before the people, were not the Reform Bills discussed at the polls year after year? So it was with the Corn Laws and Catholic Emancipation.

"I cannot now believe that the people of this country will permit this, or any other measure to be passed without their consent, and that if for no other reason than that if such an attempt is made, they will bind themselves together to present their remonstrances and petitions at the foot of the throne."

Hon. M. McHeffey.—"I am not opposed to union, but I am opposed to pressing it upon the people, when I know that so large a majority are opposed to it. In deference to them I feel constrained to vote for this amendment."

Hon. M. Patterson, a warm supporter of the Confederation, said,—"I take it for granted that any scheme which may be agreed on will be embodied in an Act of the Imperial Parliament. I think that that Act should not go into effect until ratified by the different local legislatures, and the delegates should be instructed to endeavour to have a clause to this effect inserted in the Imperial Act."

In the House of Assembly Mr. Bourinot, from Cape Breton, Mr. Miller, from Richmond, Mr. M'Donell, from Inverness, and Mr. Campbell, from Victoria, assisted by their votes in carrying the Resolution under which the delegates now act, but in the Session of 1865 Mr. Bourinot, referring to the Quebec Scheme, said,—"Now that the people should be told that they were to have nothing to do with deciding so important a question as changing the constitution of the country, but that the House could deal with it, irrespective of the wishes of those they represented, was something most preposterous to propound in a country like this enjoying the privileges of responsible government, where the people are the fountain of authority. The Provincial Secretary must have known that the House was elected under our existing constitution, and could not change it without consulting those that elected them. Yet the Provincial Secretary was quite ready to strike down all the existing rights and privileges enjoyed by the people in order that he might march on to Ottawa. But far and wide the spirit of the people is asserting itself. Little by little the feeling arose which spread over the length and breadth of the province, and showed the Government that they must pause in their mad career. We are all familiar with Mr. Cardwell's despatch, how heartily he approved of it. The Provincial Secretary told us that the English Government were in favour of it, and that, therefore, we must adopt it; that if we did not England would withdraw her protection from us by degrees. But it must be remembered that Mr. Cardwell's impression was derived from the same source that prepared this grand scheme at Quebec. I have no doubt that these gentlemen impressed upon the Colonial Secretary's mind the moment the local legislatures met they would adopt the scheme. No doubt the opinion in England was that the gentlemen who acted as delegates at the Convention represented the public opinion of these Maritime Provinces, but I repel the idea. They did not represent the public sentiment on this question at all."

Mr. Miller, in the same Session of Parliament, said,—"He need not remind the House that one of the most momentous questions that ever agitated the public mind was then under discussion, the question of a union of the British North American Colonies. He thought that, in view of the aspect that question had lately assumed—in view of the unmistakable evidence of public opinion which had recently been given—that there was but little room to doubt that nine-tenths of the people of Nova Scotia were opposed to the scheme propounded by the Canadian delegates."

In proposing to the Government during the last Session to adopt the mode by which the present delegation was appointed, Mr. Miller said,—"I therefore ask the leader of the Government, and through him the advocates of the Quebec Scheme, whether they are so wedded to that scheme as to be unable to entertain the proposition I, as a friend of colonial union, now make. The object of my present movement is, and I fearlessly avow it, to defeat the Quebec Scheme."

In another part of his address on that occasion he said,—"To that scheme I am now as hostile as I have ever been. I believed it to be very unjust to the people of the Maritime Provinces in some of its most important features. I believe to force it upon us without important modifications would frustrate the end it is intended to promote, the permanence of British institutions on this Continent." The same gentleman at a public meeting in the city of Halifax said,—"The people of Nova Scotia will hesitate long before they yield up their present enviable position, their political freedom and material wealth, for the uncertain and dubious advantages to follow from a union with a country bankrupt in resources and torn asunder and distracted by political convulsions." If the advocates of Confederation have faith in the soundness of their scheme let them submit it to the only tribunal competent to pass a judgment upon it, "the people at the polls."

Mr. McDonell, in the House of Assembly during the last Session, when it was proposed to authorize the appointment of the present delegation, said,—"I felt happy, Sir, to observe the position taken by the honourable leader of the Government, and I trust that this position will be approved of and endorsed by his honourable colleagues, and by those associated with him at the Quebec Conference. The honourable gentleman has at length shown a disposition to abandon that pet scheme of union, which for such a length of time he and his friends appeared determined to fasten upon the people, a scheme in my opinion as obnoxious and untasteful to the country as it would prove injurious to its best interests."

From Lord Durham's Report:—"But the state of the lower provinces, though it justifies the proposal of our union, would not, I think, render it gracious or even just on the part of parliament to carry it into effect without referring it for the ample deliberation and consent of the people of these colonies."

Hon. Mr. Brown, in the Canadian Assembly, said,—"If we base this structure, as it ought to be based, on the expressed will of the people themselves, then I think we will be offering to those who

come after us as well as to ourselves a heritage that every man should be proud of. If there were any doubt about public feeling there might be propriety in going to the polls. I am not opposing the honorable gentleman's resolution on constitutional grounds. I am not denying the rights of the people. If I had any doubt whatever about what would be the verdict of the people, but it is simply because I am satisfied there would be a sweeping verdict in favour of the measure that I think it unnecessary to take it to the country."

Draft of a Bill.

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1. That whenever the people of any two or more of the Provinces of British North America shall desire to form a legislative or federal union of their respective Provinces for intercolonial purposes, it shall be lawful for their several Parliaments to pass Acts for that purpose, which, upon receiving the Royal assent, shall have the force of law; but no such Acts shall pass in any House of Assembly except in such as shall be returned at a general election, to be held next after drafts of said Act shall be laid before each branch of said Parliaments respectively in the Provinces intended to be united. And no such Act shall pass unless by the votes of two-thirds of the members of each House of Parliament in favour thereof.

2. After the formation of any such union, and after a general Parliament shall be held for the United Provinces, it shall be lawful for the said Parliament, by an Act thereof, to alter, modify, or amend the constitution which may be adopted for the United Provinces, provided such Act be passed by majorities of at least two-thirds of the members of each branch of said General Parliament; but no such Act shall pass in any House of Assembly except in such as shall be returned at a general election to be held next after notice of the intended alteration, modification, or amendment shall have been given in both branches of said Parliament in Session.

3. Nothing in this Act contained shall be construed to lessen or impair the authority of the Crown and the power of the Parliament of the United Kingdom of Great Britain and Ireland in the premises.

No. 2.

Nova Scotia *v.* Confederation.

Three years ago the Maritime Provinces of British America were tranquil, prosperous, and content, having no disputes with each other, with the Mother Country, or with foreign States. In 1864 certain gentlemen were invited to Canada to consider the policy of uniting the Provinces under one Government, and what is known as the "Quebec Scheme" resulted from their labours. Her Majesty's Ministers, assuming that the people whose interests were to be affected by this measure were prepared to accept it, gave it their sanction, and for a time its real bearing and the sentiments of the Colonists were in England but little understood. When presented to the Provinces of Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, it was found impossible to carry it in either. The advocates of this measure are now coming to England with this avowed object—to prepare a new Scheme, to be embodied in a Bill, and submitted to the Imperial Parliament, before it has been published in the Provinces, or considered by any of the Legislatures or Constituencies whose constitutions, rights, and revenues are to be affected. That any Government in England would lend itself to the accomplishment of such a design, or thus deal with franchises and great interests of intelligent communities, the people of Nova Scotia do not believe. In many of the oldest and most populous counties addresses, which are printed below, have been adopted, and petitions to the Imperial Parliament, praying its protection from any attempt at hasty or unfair legislation, are being extensively signed all over the Province. Even if a Bill were introduced at this late period of the Session, there is no time to deal with a subject of such magnitude and importance, involving the future of a half continent, the honour of the Crown, and the naval and military defence of the empire; but it is well that the people of England should hear both sides, and be in no haste to force new constitutions upon Provinces which have worked their old ones successfully, and may not like one got up in London much better than they did that prepared at Quebec.

To the Queen's Most Excellent Majesty.

The Petition of the Inhabitants of the County of Hants.

Humbly showeth,—

That the County of Hants forms a central portion of the Province of Nova Scotia, and that its people are chiefly engaged in agricultural pursuits, mining, shipbuilding, and navigation:

That it contains seven regiments of enrolled militiamen, and sends to sea 54,000 tons of shipping, bearing the flag of England:

That the people of this County, in common with their fellow-countrymen, have, since its first foundation, discharged all the duties of loyal British subjects; they have sent representatives to the Provincial Parliament since 1758, and for a quarter of a century have enjoyed self-government in as full and ample a manner as other British subjects in the most favoured parts of the Empire:

That the people of Hants, living in peace and prosperity, ready at all times to maintain their allegiance and defend their country, have been justly alarmed by attempts at revolutionary change, to which they have never given their consent, and for which they see no necessity.

A scheme of Confederation was hastily prepared at Quebec, in 1864, by Delegates who had no authority from the Legislature or people of Nova Scotia, to consent to a political union with Canada.

That scheme, unfair and distasteful to the Maritime Provinces, after convulsing them all for eighteen months, has been rejected by two, put aside by a third, and was so unfavourably received in this Province that its promoters never ventured formally to submit it to the Legislature or to the people at the polls.

It is now proposed to entrust to a committee the preparation of a measure, to be embodied in a Bill and submitted to the Imperial Parliament, without affording to the people, whose rights, revenues, and future prosperity it may affect, any opportunity to protect themselves in the ordinary modes known to the Constitution, and practised by the people of all free states.

The prayer of the people of Hants, therefore, is that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long, until by all the forms sanctioned by the usage of the Mother-Country, they have been deliberately resigned.

(Signed) Edward McLatchey,
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the Inhabitants of the County of Kings.

Humbly Showeth,—

That the County of Kings is one of the oldest, most improved, and flourishing Counties of this Province, its population being engaged in agricultural pursuits, ship-building, commerce, and navigation:

That it contains six regiments of enrolled militia, and sends to sea 20,000 tons of shipping, bearing the flag of England:

That the people of this County have enjoyed the privilege of sending members to the Provincial Parliament for more than a century, and in common with their fellow countrymen, have discharged all the duties of loyal British subjects, and for more than twenty years have enjoyed the inestimable blessings of self-government, raising, controlling, and dispensing their own revenues, and directing the administration of their own affairs:

That the people of Kings County desire still to enjoy these great advantages, and to transmit them unimpaired to their children:

That they highly prize their connexion with the Parent State, under whose mild rule they have lived and prospered, and whose flag they are ready to defend, but they do not desire to be transferred to the dominion of a sister Province with which they have no connexion—almost no trade, and which being frozen up for five months of the year, and possessing no navy or troops to spare, is incapable of forming a new nationality or protecting the seaboard of Nova Scotia:

That the people have viewed with just alarm the attempts which have been made by reckless persons to effect revolutionary changes, which they have not ventured to submit to the deliberate judgment of the population whose welfare in all time to come they would so deeply compromise. The Scheme of Confederation, arranged at Quebec in 1864, was not less distasteful to the people of Kings than is the proposition to entrust power to a committee to prepare another to be embodied in an Act of Parliament and sanctioned by the Crown without being submitted to the people at the polls.

The prayer of the people of Kings, therefore, is that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long, until by all the forms sanctioned by the usage of the mother-country they have been deliberately resigned.

(Signed) Charles Dickey,
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the Inhabitants of the County of Annapolis.

Humbly Showeth,—

That Annapolis is the oldest English settlement in the Province of Nova Scotia, containing 17,000 inhabitants, four regiments of militia, and a large amount of tonnage bearing the flag of England:

That the people of this County have discharged all the duties of loyal British subjects, have sent members to the Provincial Parliament for more than a century, and under your Majesty's beneficent rule are prosperous and content:

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion and very little trade: That a Scheme of Confederation arranged at Quebec in 1864, without the consent of the constituencies, who have never been consulted, would be an invasion of their rights, and would, if sanctioned by your Majesty's Government, create wide-spread dissatisfaction in this loyal and happy Province.

The prayer of the people of Annapolis, therefore, is that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long, until by all the forms sanctioned by the usage of the mother-country they have been deliberately resigned.

(Signed) David Landers,
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the Inhabitants of the County of Digby;

Humbly Showeth—

That the County of Digby contains 16,000 inhabitants, five regiments of enrolled militia, and about 19,000 tons of shipping, bearing the flag of England:

That this County, formerly part of the County of Annapolis, has long sent representatives to the General Assembly, and its people have discharged all the duties of loyal British subjects, and under your Majesty's benign rule are prosperous and content:

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion and very little trade:

That a scheme of Confederation arranged at Quebec in 1864, without the consent of the constituencies, who have never been consulted, would be a violation of their rights, and would, if sanctioned by your Majesty's Government, create wide-spread dissatisfation in this loyal and happy Province:

That while that portion of this County which borders on the sea is thickly inhabited and rapidly increasing in population and wealth, there are still considerable districts, but lately reclaimed from the primeval forest, sparsley settled by immigrants from Great Britain and Ireland, encountering all the difficulties and privations incident to the early settlement of a rugged though promising country, and large grants from the revenues of the Province have yearly to be made to open up roads and construct bridges, and otherwise aid in the development and facilitate the settlement of such sections of the Province; and your petitioners regard with dismay the prospect of the transfer of the control of those revenues to a Government by which they would necessarily all be expended for widely different purposes, a deprivation which such portions of this County may afford hereafter, but certainly not for many years to come:

That, while your petitioners are ready cheerfully to submit to any burthens that it may be deemed necessary to impose on them for the defence of their country and their flag, and to defend that flag and the honour of the Empire, wherever their aid can be available by sea or land, they are not disposed to adopt as a means of their ensuring their more efficient defence a union with a Province, which, in 1862, refused to sanction a measure involving an increased outlay for the better and more perfect organization of their militia, although that measure was strongly urged upon that Province by the "just authority" of your Majesty's Government.

The prayer of the people of Digby, therefore, is that no change in the institutions of this country may be made until it has been submitted to the test of public opinion, and that your Majesty will sacredly guard the rights which we have loyally exercised and enjoyed so long.

(Signed) John G. M'Neill,
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the Inhabitants of Yarmouth.

Humbly Showeth,—

That the County of Yarmouth contains about 16,000 inhabitants, five regiments of militia, and owns 100,000 tons of shipping, bearing the flag of England;

That the people of this County have discharged all the duties of loyal British subjects, have sent members to the Provincial Parliament for a century, and under your Majesty's beneficent rule are prosperous and content:

That they view with great distrust attempts recently made to annex them to the Province of Canada, with which they have no natural connexion, and very little trade:

That a scheme of Confederation arranged at Quebec in 1864, without the consent of the Constituencies of the Province, who have never either before or since that time been consulted on the subject, would be an invasion of their rights, and would, if sanctioned by your Majesty's Government, create wide-spread dissatisfaction in this loyal and happy Province:

That since the said Quebec Scheme was made public, a township election has taken place in this County, when both the opposing candidates pledged themselves strongly against any scheme of Confederation with Canada.

The prayer of the people of Yarmouth, therefore, is, that no change in the institutions of this country may be made until it shall have been submitted to the people at the polls, and that your Majesty will sacredly guard the rights which we have so long loyally exercised and enjoyed.

(Signed) Nathan Moses,
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the People of the County of Shelburne, in the Province of Nova Scotia:

Humbly Showeth,—

That the County of Shelburne contains a population of 12,000, principally engaged in the fisheries and in shipbuilding,—is capable of sending into the field four regiments of enrolled militia, and owns about 20,000 tons of shipping, bearing your Majesty's flag:

That its people are the descendants of an ancestry whose veneration for the British throne and attachment to monarchical institutions impelled them, in 1783, to forsake lands and possessions in the revolted colonies, and seek an asylum on the then inhospitable shores of this Province:

That since the first settlement of the County in 1783 its people have sent representatives to the Provincial Parliament, and for the last quarter of a century have enjoyed the privileges of self-government in as ample a degree as their brethren in the British Islands:

That their instinct and traditions lead them to deprecate revolutionary changes, the end of which no man can forsee, but which, once hazarded, there is too much reason to fear will eventuate in a separation of these Provinces from the parent state, and their absorption into the already unwieldy republic of the United States:

That they have seen, with alarm and indignation, a scheme of Confederation, hastily prepared at Quebec in 1864, introduced into our Legislature during its late Session, without previous notice in the opening speech, and forced through that body with unbecoming and unnecessary haste, and in a manner calculated to throw the gravest suspicions upon the influences employed to secure its passage:

That whilst your Majesty's petitioners freely admit the right of their representatives in Provincial Parliament to legislate for them within reasonable limits, they cannot admit the right of such representatives to effect sudden changes amounting to an entire subversion of the Constitution, without the deliberate sanction of the people expressed at the polls.

The prayer of the people of Shelburne, therefore, is, that the assent of your Majesty will be withheld from any scheme affecting the Constitution of the Province—and more particularly from that known as the Quebec Scheme—until such measure has been fully subjected to the test of public opinion, and deliberately pronounced upon by the people at the polls.

(Signed) Joshua Snow,
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the People of the Southern District of Queen's County, in the Province of Nova Scotia:

Humbly showeth,—

That Queen's County contains a population of 12,000, principally engaged in lumbering, fishing, and navigation,—can equip three regiments of enrolled militia, and owns about 17,000 tons of shipping bearing the flag of England:

That the County has sent representatives to the Provincial Parliament for upwards of a century, and its people, for more than twenty years, have enjoyed the blessings of civil and religious liberty, personal security, and temporal prosperity, under a system of responsible government which, modelled after that of England, leaves them nothing to desire but its undisturbed continuance:

That they have witnessed with apprehension and regret the efforts of a small party in this Province to unsettle a condition of things which has worked so satisfactorily, by sweeping away their free constitution, by subjecting this people, their revenues, resources, and independence, to the virtual denomination of another colony, and to the doubtful issue of an experiment known as the Quebec scheme of Confederation:

That even were the proposed union as likely to be beneficial as, in the judgment of your Majesty's petitioners, it is certain to be injurious to the best interests of the Maritime Provinces, the means employed to force it upon the country without an appeal to the people, and with a full knowledge of their intense dislike to the measure, ought to ensure its rejection at the hands of a Sovereign whose ambition is to live in the affections of her dutiful subjects.

The prayer of the people of Queen's County, therefore is, that your Majesty will be graciously pleased to withhold your royal assent from any measure affecting the relations of this Province to the sister colonies, until by means of a general election, the sentiments of the people of Nova Scotia, in reference to this most important subject, may be truly reflected in their Legislature.

(Signed) M. Mortimer.
Chairman.

To the Queen's Most Excellent Majesty.

The Petition of the Inhabitants of the Northern District of Queen's County:

Humbly showeth,—

That the inhabitants of this district live by the cultivation of the soil, and are content to share with your Majesty's subjects elsewhere the common blessings which their British citizenship includes.

In Nova Scotia, loyalty to the Sovereign, respect for the law, and devotion to the national flag, are universal sentiments. Its people prize highly the right of self-government, which they have long enjoyed, and are content with their participation in the organization and glory of the Empire.

Revolutionary changes in the framework of their Government, proposed by a convention which assembled at Quebec in 1864, met no favour from the people of Nova Scotia, who view with distrust and indignation the passage of a resolution giving power to a committee to change or break down the institutions of this Province, without the people having expressed any desire for such a measure, and without securing to them the constitutional right to accept or reject it at the polls.

There is no reason why Nova Scotia should be subject to the domination of Canada.

Your Majesty's subjects in this Province—proud, self-reliant, and happy, prepared to defend the just authority of the Crown, and bearing the national flag all over the world—would be broken in spirit and rendered discontented and restless if controlled by a Legislature in which they could never command a majority, and by a distant authority which they could rarely hope to influence.

The prayer of the people of North Queen's, therefore, is, that the institutions under which they have lived and prospered may be preserved, and that no radical changes may be sanctioned by the Imperia Government which have not been approved by the electors at the polls.

(Signed) Stephen Smith,
Chairman

To the Queen's most Excellent Majesty.

May it please Your Majesty,—The Petition of the undersigned Inhabitants of the County of Lunenburg, in Your Majesty's Province of Nova Scotia:

Humbly showeth,—

That this County was settled over a century ago, chiefly by natives of Germany, who with their descendants have been distinguised for unswerving loyalty to the British Crown and for sincere respect and esteem for Your Majesty's Royal House. And it is the most earnest desire of your petitioners to live under the protection of the British flag, and to maintain their allegiance as British subjects:

That this County has a population of over 20,000, and is rapidly increasing in wealth and prosperity: That its enrolled militia numbers eight regiments, with upwards of 4,000 first-class men; and that the vessels and men engaged in the prosecution of the fisheries number more than those of any other County in the Province:

That the County is represented in the Provincial Parliament by three members, and that an election held in December last to supply a vacancy caused by the decease of one member resulted in the return of a candidate, by a majority of over 680 votes, opposed to any union of the Provinces being passed upon by the Legislature, without action first had thereon by the people at the polls:

That the means which have been taken to secure a union of the Provinces without the electors being first consulted have excited in the minds of your petitioners great dissatisfaction and indignation, believing as they do that a question of such importance should be submitted for the decision of the people, as it will affect them and their descendants for all time.

We do most respectfully and earnestly pray that Your most Gracious Majesty will uphold for us those rights and privileges which, under the system of Responsible Government, granted to this Province, we have so long enjoyed in peace and prosperity, and that before any union of these Provinces be carried Your most Gracious Majesty will cause the question to be submitted for the decision of the electors of Nova Scotia; a privilege which, though hitherto denied them, has, in the short space of fourteen months, been twice granted to their fellow subjects in the adjoining Province of New Brunswick. And your petitioners, as in duty bound, will ever pray.

(Signed) M. B. Desbrisay,
Chairman.

To the Honourable the Commons of Great Britain and Ireland in Parliament assembled

The Petition of the Inhabitants of Nova Scotia:

Humbly showeth,—

That the Province of Nova Scotia is one of the oldest Colonies of Great Britain, and one of the nearest to the Mother Country:

That when the American Revolution separated thirteen English Colonies from the Crown, Nova Scotia stood true to her allegiance, and furnished a home for the loyalists who sacrificed their property and their prospects in the American States for the sake of British connexion:

That ever since, during the political agitations which have disturbed this Continent—especially during the war of 1812 and the Canadian rebellions of 1837–38, Nova Scotia has been steadfast in her loyalty; and that when the neighbouring Province of New Brunswick was menaced from the American side in 1859 the Legislature of Nova Scotia unanimously placed the whole revenues and resources of the country at the disposal of the Lieutenant Governor for the defence of the British flag upon the frontier:

That this people have discharged, in other respects, the duties of British subjects to the satisfaction of the Crown. They have sent representatives to the Provincial Parliament since 1758; for a quarter of a century have enjoyed responsible government in as full and ample a measure as have their fellow subjects in the most favoured parts of the Empire; and have preserved from degeneracy and abuse their constitutional rights and free institutions:

That the people of this Province, from their maritime position, have developed the pursuits of ship building, navigation, commerce, and fishing into prosperous activity. Their agricultural resources are rich and varied, whilst the vast mineral wealth which underlies the whole area of the country is a special guarantee of its future prosperity under favourable political conditions. The gold mines of Nova Scotia, without rising to the character of dazzling lotteries to attract a promiscuous or disorderly population from abroad, have proved steadily remunerative as a regular department of native industry, and a profitable investment for foreign capital. The great iron mines already discovered give earnest, in connexion with its coal fields, of manufacturing capabilities not inferior to those of any country of similar extent. It has the thickest coal seams in the world, and their area is extensive, affording fair ground for the presumption that, for the purposes of peace or war, Nova Scotia's continued connexion with Great Britain would prove of mutual advantage. Possessed of these resources, the people desire closer relations with the Mother Country in order to be able to enjoy more largely the benefits, as well as share more fully the responsibilities, of the Empire; and already the Province has enrolled 60,000 efficient militia and volunteers to assist in the maintenance of British power on this Continent, and sends to sea 440,000 tons of shipping, built and owned within the Province, bearing the flag of England, and manned by more than 20,000 seamen.

That Nova Scotia has no controversies with the mother-country, the other Provinces, or with the population of the neighbouring United States; and highly prizes the privileges so long enjoyed of regulating her own tariffs, and conducting trade, but lightly burthened, with the British Islands and Colonies in all parts of the world and with foreign countries.

That the people of Nova Scotia are prepared to entertain any propositions by which (preserving to them the institutions they now have and the privileges they enjoy) greater facilites for commercial and

social intercourse with other States and Provinces may be secured ; and they are willing, whenever their own coast and harbours are safe, to aid Her Majesty's forces to preserve from agression the Provinces in the rear.

But they view with profound distrust and apprehension schemes, recently propounded, by which it is proposed to transfer to the people of Canada the control of the Government, Legislation, and Revenues of this loyal and happy Province, and they venture respectfully to crave from your Honourable House justice and protection:

That the Province of Canada lies as far from Nova Scotia as Austria does from England, and there exists no reason why a people who live at such a distance, with whom we have but little commerce, who have invested no capital in our country, who are unable to protect it, and are themselves shut off from ocean navigation by frost for five months of the year, should control our Legislation and Government:

That in 1864 the Government of Nova Scotia, without any authority from the Legislature, and without any evidence of the consent of the people, sent delegates to Canada to arrange in secret conference at Quebec a political union between the various Provinces. That these delegates concealed the result of their conference from the people until it became incidentally made public in another Province, and that, to this hour, they have never unfolded portions of the scheme having the most essential relation to the peculiar interests and local government of Nova Scotia subsequent to Confederation.

That the scheme, when at last made public, was received with great dissatisfaction in Nova Scotia; that the opposition to it has been constantly on the increase, and has been intensified by the conduct of the Government and the delegates, who now propose to call in the aid of your Honourable House to assist them to overthrow, by an arbitrary exercise of power, free institutions enjoyed for a century and never abused:

That the objections of the people to the proposed Confederation scheme affect not merely minor local details, but the radical principles of the plan. The people cannot recognize the necessity for change in their present tranquil, prosperous, and free condition. They cannot believe that the proposed Confederation with the distant Colony (Canada) will prove of any practical benefit, either for defence or trade; while, from the past history of that country, its sectional troubles, its eccentric political management and financial embarrassments, they have great reason to fear that Confederation would be to them a most disastrous change, retarding their progress, and rendering their prolonged connexion with the Crown precarious if not impossible. Forming, as she does now, a portion of the Empire, Nova Scotia is already confederated with fifty other States and Provinces, enjoys free trade with two hundred and fifty millions of people living under one flag and owning the authority of one Sovereign. She has no desire to part with her self control, or to narrow her commercial privileges, by placing herself under the dominion of a Sister Colony, with an exposed frontier, frostbound for a third of the year, and with no navy to defend the Maritime Provinces when her ports are open.

The scheme of government framed at Quebec is unlike any other that history shows to have been successful. It secures neither the consolidation, dignity, and independent power of monarchy, nor the checks and guards which ensure to the smaller States self-government and controlling influence over the Federal authorities in the neighbouring Republic. By adopting the federal principle, sectionalism in the five Provinces is perpetuated; by the timid and imperfect mode in which that principle is applied the people, whose minds have been unsettled by this crude experiment, may be driven to draw contrasts and nourish aspirations of which adventurous and powerful neighbours will not be slow to take advantage; and the people of Nova Scotia have no desire to peril the integrity of the Empire, with the blessings they now enjoy, or to try new experiments, which may complicate foreign relations, and yet add no real strength to the Provinces it is proposed to combine.

The people object also to the financial arrangements, as especially burdensome and unfair to this Province. Having long enjoyed the control and benefited by the expenditure of their own revenues, they cannot approve a scheme that will wrest the greater part of these from their hands, to keep up costly and cumbrous federal machinery, and to meet the liabilities of Canada.

For many years the commercial policy of Nova Scotia has been essentially different from that of Canada. The latter country, partly from necessity arising out of financial embarrassments, and partly as an indirect premium on her own manufactures, has adopted a tariff varying from 20 to 30 per cent. on imported goods.

Almost surrounded, as Nova Scotia is, by the ocean, her people are favourably situated for enjoying free commercial intercourse with every section of the British Empire and with those foreign countries open to her commerce by the enlightened policy of the Parent State: of this privilege she has availed herself by imitating, as far as local circumstances would permit, the liberal and free trade policy of the Mother Country—ten per cent. being the ad valorem duty collected under the Nova Scotia tariff on goods imported into the Province. The proposed scheme of union will give Canada, by her large preponderance in the Legislature, the power to shape the tariff for the whole Confederacy according to her inland ideas and necessities, so as to levy the same onerous duties on British goods imported into Nova Scotia as are now exacted by Canada.

That since the Confederation scheme has been announced there have been special parliamentary elections in three out of the eighteen counties of this Province, and in all three it has been condemned at the polls.

That in 1865 the scheme was condemned at nearly every public meeting held by the delegates to discuss it, and numerous petitions against its adoption were presented to the Provincial Parliament, and only one in its favour, until the leader of the Government declared the measure to be "impracticable."

That at the opening of the late session no reference to Confederation was made in the speech of the Lieutenant Governor, and down to a late period the people of Nova Scotia were led to believe that the scheme had been abandoned. A resolution was introduced towards the close of the session, clothing the Government with power to appoint delegates, who, in connexion with delegates from the other Provinces, are to frame a scheme of government, to which it is proposed to ask the sanction of your Honourable House before it has been submitted to the Legislature that it may annihilate, or to the people whose legal and constitutional rights and powers it may transfer or circumscribe.

The undersigned, menaced by a measure that may be revolutionary, repose implicit confidence in the protection of the Imperial Parliament. They deny the authority of their own Legislature, invested with limited powers for a definite term, to deprive them of rights earned by their ancestors by the most painful sacrifices, wisely exercised and never abused for more than a century, and which they had no legitimate authority to alienate or break down. They believe that any scheme of government, framed by a committee of delegates and forced upon the Provinces without their revision or approval, would generate wide spread dissatisfaction among a loyal and contented people, who will not fail to reflect that no change can be made in the constitution of any of the neighbouring States which has not first been approved by the electors; and that important measures, affecting imperial policy or institutions, are rarely attempted till they have been submitted for acceptance or rejection by the people whose interests they are to affect.

Your petitioners therefore pray that your Honourable House will be pleased to defer all action in favour of Confederation in the Imperial Parliament until the people of Nova Scotia shall have exercised and enjoyed their constitutional privilege to express their opinions at the polls, or that your Honourable House may be pleased to direct that a special committee shall inquire into all the features of the proposed scheme of Confederation, as it is likely to affect the several Provinces in their relations to each other and to the mother-country; or that the people of Nova Scotia be permitted to appear by counsel at the bar of your Honourable House to defend their interests and institutions. And your petitioners, as in duty bound, will ever pray, &c.

No. 3.

Newfoundland *v.* Confederation.

To the Honourable the Commons of Great Britain and Ireland in Parliament assembled.

The Petition of the undersigned Merchants, Traders, Fishermen, and other Inhabitants of Newfoundland.

Most humbly showeth,—

That this Colony has for many years enjoyed the blessings and privileges of self-government and local legislation, the imposition and appropriation of duties and taxes, and the general management of its local affairs:

That the sentiments of all classes of its people have been, and still are, of the most loyal and devoted character; that its necessities or demands for protection from the foreign enemy or from internal disturbance have never been a heavy burden or a serious cost to the Imperial Exchequer; while from the fact of its staple products being confined to fish and oil, and the country having limited agricultural and no manufacturing resources, its chief import trade is prosecuted, and its most intimate commercial relations are held with Great Britain. Newfoundland, while holding a prominent and formidable position upon the Atlantic, as the point nearest to England, is practically more remote from the principal ports of the Canadas than from Britain itself, and has never had any political, and only minor commercial, connexion with the former—a connexion which is entirely cut off by sea for nearly six months of the year, during which time there can be no communication with Canada, except through the territories of a foreign power—the United States of America. The inhabitants of this Colony would desire to see this island always retained separately by Britain, as its ocean fortress and military outpost in this part of the world, whatever might be the future destiny of the Colonies on the mainland. But let the value attached to her position in an Imperial view be what it may, the Colony has, from its distinct trade and its different characteristics, no community of interests with Upper or Lower Canada, and little with the other Maritime Provinces.

The people regard, therefore, with grave apprehension and alarm any project which has for its object the union of the Island of Newfoundland with the other British North American dependencies of the Crown. Some reasons which might influence them to receive it with favour are just those which make it undesirable for Newfoundland. The motives which in their case have actuated the policy of Great Britain for the promotion of the scheme of Confederation are entirely wanting in ours. We are no cause of offence, we are not in the path of possible aggression or in the way of attack, unless and until the national cause of Great Britain involves us in a common fate. We are a comparatively small burthen on the Home Government; and, in the present condition of affairs, obtain those supplies from Britain which we should, under the proposed Union, have in a great measure to abandon for the inferior manufactures of colonies with which we have little trade. Under these circumstances, it has been proposed to include this Colony in a Confederation on the basis of the Quebec Convention of 1864, and by this measure to deprive her of those civil, constitutional, and territorial rights which she has so long held and so dearly prized; and for a loss so great there is no offer of a substantial return.

Our taxation, already burdensome, will be assimilated to the much higher Canadian tariff.

Our revenues will go to the central exchequer, and in return we shall receive a sum far below our present income without any corresponding advantages.

No matter how a rapidly growing population, the development of our resources, or our future necessities may call for augmented supplies, not to speak of the constantly increasing demands for public improvements; no matter how large at any time our contribution to the Federal finances may be, our receipts from it are proposed to be permanently limited to 112,000*l.* per annum.

The proposed Central Government will also possess the dangerous power to levy duties upon the exports of a Colony, whose only wealth lies in them, and which, from its peculiar circumstances, will be utterly without the means of local taxation wherewith to promote public improvement or to relieve its people from a pauperism which, to some extent, is necessarily chronic and frequently widespread and disastrous.

The chief exports of Nova Scotia and New Brunswick are expressly exempt from the power of Federal taxation.

The people of Newfoundland have no interest and can derive no benefit whatever from the great public works of Canada, existing or projected. There is no provision even made in the Quebec Con-

vention for a connexion by lines of steamers between the Colony and the other Provinces on the one hand, and Great Britain on the other; while for the North-western territory guarantees for complete territorial connexion are contained.

These are amongst the objections which apply to the Quebec Convention, even if the project of union could on any basis be made applicable and beneficial to this Colony, its trade, and people.

But the peculiar position and circumstances arising from the nature of its trade, its resources and its geography are such that the Maritime Provinces in their original project of union never contemplated the introduction of Newfoundland. Even when the Canadas proposed to unite with them, this Colony was not included until after the convocation of delegates at Quebec in the autumn of 1864, when a request was made to our local Executive to send non-official delegates to be present at the proceedings.

These delegates were not clothed with any active authority.

The express terms of the convention show that Newfoundland was only provisonally referred to.

The subject had never been a matter of popular inquiry or political consideration in this Colony up to that time. Public alarm has been excited by the result of late elections in the Continental Colonies, and by the fact that delegates from them are, it is said, to proceed to Britain to negotiate a scheme of union.

It is with the view to convey to your Honourable House the aversion of this people to be considered at this time in any overtures or negotiations whatever that may be so made or had, that your petitioners on their behalf now approach your Honourable House.

If circumstances should hereafter arise to make it less objectionable than it now is for this Colony to be considered in any project of union with the rest of British North America, our people will, petitioners feel sure, lend a ready and loyal ear to the Imperial counsels.

In the meantime your petitioners believe the objections to be insuperable; but if they be wrong, the voice of all the people of the Colony may be taken at an early and convenient time.

These people are, at this time, for the most part scattered and engaged in the avocation of the fishery. And it is for this reason that at this moment of alarm these petitioners presume to give expression to an opinion, and to prefer a prayer which they believe to coincide with the wishes and feelings of the great majority of the people.

In this view they are upheld by the action of the Legislature in its late session when, in reply to the Governor's speech at the opening of the session, it was obliged to give some response to the reference made by him to the subject of Confederation. The reply of the Assembly was as follows:—

"On the important subject of Confederation, in recognizing the solicitude of Her Majesty's Government for the welfare of this Colony, we concur in the view of your Excellency that the abstract advantages of union are so obvious as to be almost universally acknowledged, *whilst with regard to this Colony and on the details of so grave a measure* it is natural that much diversity of opinion should prevail. This is a matter which shall engage our serious attention."

By this resolution the House of Assembly, being the representatives of the people, clearly excepted Newfoundland from the application of the principle of Confederation, and also objected to the measure in detail. The expression of opinion which accompanied and followed that passage in the Address fully confirms this view, and, for example, the language of the Solicitor-General, who proposed this paragraph, was:—

"The only important words added to the original clause were, 'with regard to this Colony and —.' This alteration would show that there is not only a diversity of opinion with regard to the detail, but also to the very principle itself. He (Hon. S.-G.) desired to be understood that he not only opposed the Quebec Resolutions, but was altogether opposed to the principle of Confederation as far as this Colony was concerned."

The Attorney-General and Premier said:—"He endorsed the statement of the Honourable Solicitor-General with regard to the non-committal character of his amendment one way or another, and the Government had no desire or intention to adopt any course which would not be generally acceptable."

"So far as he (Hon. A.-Gen.) was concerned, no measure should be attempted to force it on them in opposition to their wishes, to be gathered from the constitutional channels."

And the Premier again subsequently expressed himself, thus:—"The Members of the Executive admitted distinctly, when the amendment was agreed to, that they did not regard it as affirming or denying the principle of Confederation."

It was in this way and upon these terms and express understanding that the Address of the Assembly on this point was passed. Even the Imperial body, the Legislative Council, in its Address to the same speech, reserved the definite determination for the Legislature at a future time.

Your petitioners' loyal confidence in the assurance of Her Majesty's ministers, contained in despatches and openly expressed in Parliament, as well as the reliance of this people upon the just and gracious consideration of the promises of the Parliament of Great Britain, as well as their conviction that no infraction of the settled constitutional rights and political freedom of any British community will be permitted by the British Parliament against the consent of the Colonists, induce your petitioners thus boldly to adopt a course which, while it may be unnecessary, is suggested and impelled by the contemplation of the powerful counter-influences brought to bear upon a question of such solemn and serious import to Her Majesty's subjects, and by a desire to prevent or remove any possible misapprehension of the present sentiments of the people of Newfoundland, or of the position in which this Colony stands in regard to the Confederation project.

Your petitioners therefore humbly pray your Honourable House that no negotiations may be had, and that no measure or project may be entertained in Parliament, contemplating the present comprehension of this Colony in any scheme of union with the other Provinces, until this question, involving as it does the vital interests and future fate of this dependency of the Crown, shall have been definitely submitted to the people of Newfoundland at a general election of representatives to their House of Assembly. And as in duty bound they will ever pray.

St. John's, Newfoundland, July 4th, A.D. 1866.

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For Her Majesty's Stationery Office.

CORRESPONDENCE

RESPECTING THE RECENT

FENIAN AGGRESSION

UPON

CANADA.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1867.

LONDON:
PRINTED BY HARRISON AND SONS.

3785

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Despatches from the Governor-General.

No. 1. No. 1.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Ottawa, June 1, 1866.

(No. 43.) (Received June 14, 1866.)

SIR, (Answered, No. 56, June 16, 1866, page 77.)

I HAVE the honour to inform you that a body of 600 Fenians entered this Province this morning. They crossed the Niagara River at Black Rock, near Buffalo, in the State of New York, and established themselves in the village of Fort Erie in Canada. I am now occupied in taking measures for meeting the emergency.

I have, &c.

The Right Hon. Edward Cardwell. M.P., (Signed) MONCK.
&c. &c. &c.

No. 2. No. 2.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Ottawa, June 4, 1866.

(No. 45.) (Received June 18, 1866.)

SIR, (Answered, No. 63, June 22, 1866, page 77.)

REFERRING to my despatch (No. 43)* of the 1st June, I have the honour to state for your information, that the body of Fenian conspirators who crossed the frontier from Buffalo to Fort Erie on the morning of Friday, June 1st, proved to be between 800 or 900 men, and seem to have been well armed. * See above.

I had previously had information that some such attempt would shortly be made and a party of volunteers had been stationed at Port Colborne in anticipation of an attack.

I have not yet had time to receive official accounts of the military operations, but from telegraphic reports which have reached me I am able to give the following statement of what occurred which I think may be considered authentic.

Immediately on the receipt of the intelligence of the invasion, Major-General Napier pushed on by rail to Chippewa, a force consisting of artillery and regular troops under Colonel Peacocke, 16th Regiment. Chippewa is about nineteen miles from Fort Erie, and there is no railway communication between the two places. On arriving at Chippewa, Colonel Peacocke moved on in the direction of Fort Erie. On the morning of Saturday, June 2nd, the body of volunteers stationed as already mentioned at Port Colborne, left that place by rail which runs parallel to the shore of Lake Erie and went in the direction of Fort Erie as far as a place called Ridgway; here they left the railway and proceeded on foot, apparently with the intention of effecting a junction with Colonel Peacocke and his force.

They came upon the Fenians encamped in the bush and immediately attacked them, but were outnumbered and compelled to retire on Port Colborne. This occurred some time on Saturday June 2nd.

Colonel Peacocke in the mean time was advancing in the direction of Fort Erie from Chippewa along the banks of the Niagara river, but was not able to reach the former place before night-fall.

The Fenians however did not await his arrival, but re-crossed the river during the

night between the 2nd and 3rd June, to the number of about 750 men, and as appears from the accompanying telegram from Mr. Consul Hemans, were immediately arrested by the authorities of the United States.

I am happy to be able to inform you that the officers of the United States Government appear to have exerted themselves to prevent any assistance being supplied to the invaders. I transmit copies of telegrams received on this subject from Mr. Consul Hemans.

We have sixty-five prisoners in our possession who have been by my direction committed to the common gaol at Toronto to await trial.

I think it is creditable both to the military and militia authorities in Canada, that they were in a position within twenty-four hours after the invasion of the Province at a point of the enemy's own selection, to place opposite to him such a force as compelled his precipitate retreat without even risking an engagement.

I shall not fail to send you more full particulars when I shall have received the official reports from the officers engaged, but the main facts are as I have stated them above.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) MONCK.
&c. &c. &c.

Incl. 1 in No. 2.

Inclosure 1 in No. 2.

TELEGRAM from Buffalo to Viscount MONCK, Ottawa.

June 3, 1866.

WHOLE Fenian force, about 850 strong, evacuated Canada at 3 A.M., 700 of them, with the leaders, lying at this moment in arrest under guns of Michigan war-steamer.

(Signed) H. W. HEMANS.

Incl. 2 in No. 2.

Inclosure 2 in No. 2.

TELEGRAM from Buffalo to Viscount MONCK, Ottawa.

June 2, 1866.

FENIANS broke up encampment at 2·30 A.M., and marched about four miles down river, said to be half-starved and much demoralized. Possession of six guns is undoubted. River patrolled all night by armed tug-boats chartered by United States' Attorney. Several captures made, and no reinforcements believed to have crossed over. Have uniformly telegraphed to General Napier.

British Consul,
(Signed) H. W. HEMANS.

Incl. 3 in No. 2.

Inclosure 3 in No. 2.

TELEGRAM from Buffalo to Viscount MONCK, Ottawa.

June 3, 1866.

FRONTIER from Erie to Oswego placed by General Grant in charge of General Barry, of United States' Artillery to-day: thirteen companies under his command, with power to add according to emergencies. A revenue cutter just arrived to patrol river. A British gun-boat much wanted in those waters.

(Signed) H. W. HEMANS.

No. 3.

No. 3.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. Edward Cardwell, M.P.

Government House, Ottawa, June 8, 1866.

(No. 47.)

(Received June 23, 1866.)

Sir,

(Answered, No. 67, June 23, 1866, page 77.)

IN continuance of the narrative contained in my despatch No. 45* of the 4th of June, I have the honour to report that no further invasion of Canadian territory has taken place on the part of the Fenians. * Page 1.

I am still without official reports of the proceedings at Fort Erie, but the circumstances of the last week have called so largely on the time of the military officers as to render correspondence very difficult.

I have no reason to doubt the substantial accuracy of the account which I sent you in my last despatch.

Immediately after the first news of the invasion reached me the whole Volunteer force of the Province was placed on active duty.

I have the utmost satisfaction in reporting to you the admirable spirit in which the exigencies of the moment were met both by the administration and the population of the Province. The former placed unreservedly at my disposal, for employment by the officers of Her Majesty's forces, the entire resources of the country. The latter responded instantaneously to the call to arms, and I am sure I do not exaggerate when I say that, within twenty-four hours after the issue of the order, 20,000 men were under arms; and that within forty-eight hours after the same time, they, in combination with the regular troops, were disposed by the Lieutenant-General Commanding in positions which rendered the Province secure from attack.

With the assistance of the officers and men of the ships of war now in the St. Lawrence, a flotilla of steamers has been chartered by the Provincial Government, and fitted up as temporary gun-boats for service both on the River St. Lawrence and the Lakes.

I am happy also, to be in a position to inform you that the Government of the United States is exerting itself in an energetic manner to arrest the further progress of the Fenian movement within its territories.

I inclose a copy of a Proclamation which has been issued by the President, and of an order addressed by the Attorney-General of the United States desiring the arrest of all prominent persons connected with the conspiracy.

This latter has been acted on, as I am informed, but not officially, by the arrest of General Sweeney and by the stoppage on the railroads of members of the Fenian conspiracy who are proceeding northwards.

Under the circumstances of our own complete state of preparation, and of the steps which are being taken by the Government of the United States, I am persuaded that all real danger is at an end, unless the force of Fenians assembled on the frontier should betake themselves to acts of plunder which I do not anticipate.

Parliament is to assemble this day, and it is intended at once to suspend the Habeas Corpus Act, and to extend to Lower Canada the Act at present in operation in Upper Canada (Consolidated Statutes, Upper Canada, cap. 99), providing for the trial by Militia Courts-martial of the prisoners.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Inclosure 1 in No. 3.

Incl. 1 in No. 3.

A Proclamation.

WHEREAS it has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot, and have provided and prepared, and are still engaged in providing and preparing means for a military expedition and enterprise; which expedition and enterprise is to be carried on from the territory and jurisdiction of the United States, against Colonies, districts, and people of British North America, within the domain of Great Britain and Ireland, with which said districts, and people, and Kingdom, the United States are at peace. And

whereas the proceedings aforesaid constitute a high misdemeanor, forbidden by the laws of the United States, as well as by the laws of nations. Now, therefore, for the purpose of preventing the carrying on of the unlawful expedition and enterprise aforesaid, from the territory and jurisdiction of the United States, and to maintain public peace, as well as the national honour, and enforce obedience and respect to the laws of the United States. I, Andrew Johnson, President of the United States, do admonish and warn all good citizens of the United States against taking part in or in any way aiding, countenancing, or abetting said unlawful proceedings, and I do exhort all Judges, Magistrates, Marshals, and officers in the service of the United States, to employ all their lawful authority and power to prevent and defeat the aforesaid unlawful proceedings therein, and pursuant to the Act of Congress in such case made and provided. I do furthermore authorize and empower Major-General Geo. G. Meade, Commandant of the military and naval forces of the United States, and the Militia thereof, to arrest and prevent the setting on foot and carrying on the expedition and enterprise aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 6th of June, in the year of our Lord 1866, and independence of the United States the ninetieth.

(Signed) ANDREW JOHNSON.
(By the President.)

Incl. 2 in No. 3.

Inclosure 2 in No. 3.

Attorney-General's Office, Washington, June 5, 1866.

BY direction of the President you are hereby instructed to cause the arrest of all prominent or conspicuous persons called Fenians who you may have probable cause to believe have been or may be guilty of violation of the neutrality laws of the United States.

(Signed) JAMES SPEED, Attorney-General.

No. 4.

No. 4.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Ottawa, June 11, 1866.
(Received June 25, 1866.)

(No. 51.)
(Answered, No. 72, June 30, 1866, page 78.)

SIR,
(Answered further, No. 4, July 7, 1866, page 79.)

I HAVE the honour to inclose four copies of the official Canada Gazette, containing copies of two Acts assented to by me in Her Majesty's name: "An Act to authorize the Apprehension and Detention until the 8th day of June, 1867, of such Persons as shall be suspected of committing Acts of Hostility or conspiring against Her Majesty's Person and Government;" "An Act to Protect the Inhabitants of Lower Canada against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty."

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Incl. 1 in No. 4.

Inclosure 1 in No. 4.

(No. 3,200.)

CAP. I.

AN ACT to authorize the apprehension and detention until the eighth day of June, one thousand eight hundred and sixty-seven, of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government.

[Assented to 8th June, 1866.]

WHEREAS certain evil disposed persons being subjects or citizens of foreign countries at peace with Her Majesty, have lawlessly invaded this Province, with hostile intent, and

whereas other similar lawless invasions of and hostile incursions into the Province are threatened; Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. All and every person and persons who is, are, or shall be within prison in this Province at, upon, or after the day of the passing of this Act, by warrant of commitment signed by any two Justices of the Peace, or under capture or arrest made with or without Warrant, by any of the officers, non-commissioned officers or men of Her Majesty's Regular, Militia or Volunteer Militia Forces, or by any of the officers, warrant officers, or men of Her Majesty's Navy, and charged;

With being or continuing in arms against Her Majesty within this Province;

Or with any act of hostility therein;

Or with having entered this Province with design or intent to levy war against Her Majesty, or to commit any felony therein;

Or with levying war against Her Majesty in company with any of the subjects or citizens of any foreign State or country then at peace with Her Majesty;

Or with entering this Province in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any act of felony therein;

Or with joining himself to any person or persons whatsoever, with the design or intent to aid and assist him or them, whether subjects or aliens, who have entered or may enter this Province with design or intent to levy war on Her Majesty, or to commit any felony within the same;

Or charged with high treason or treasonable practices, or suspicion of high treason, or treasonable practices;

May be detained in safe custody, without bail or mainprize, until the eighth day of June, one thousand eight hundred and sixty-seven, and no Judge or Justice of the Peace shall bail or try any such person or persons so committed, captured, or arrested without order from Her Majesty's Executive Council, until the eighth day of June, one thousand eight hundred and sixty-seven, any law or statute to the contrary notwithstanding; provided, that if within fourteen days after the date of any warrant of commitment, the same or a copy thereof certified by the party in whose custody such person is detained, be not countersigned by a clerk of the Executive Council, then any person or persons detained in custody under any such warrant of commitment for any of the causes aforesaid by virtue of this Act, may apply to be and may be admitted to bail.

2. In cases where any person or persons have been, before the passing of this Act or shall be during the time this Act shall continue in force, arrested, committed, or detained in custody by force of a warrant of commitment of any two Justices of the Peace for any of the causes in the preceding section mentioned, it shall and may be lawful for any person or persons to whom such warrant or warrants have been or shall be directed to detain such person or persons so arrested or committed, in his or their custody in any place whatever within this Province, and such person or persons to whom such warrant or warrants have been or shall be directed, shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody, and to be the lawful gaolers and keepers of such persons so arrested, committed or detained, and such place or places where such person or persons so arrested, committed, or detained, are or shall be detained in custody, shall be deemed and taken to all intents and purposes to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively; and it shall and may be lawful to and for Her Majesty's Executive Council, by warrant signed by a clerk of the said Executive Council, to change the person or persons by whom and the place in which such person or persons so arrested, committed, or detained, shall be detained in safe custody.

3. The Governor may, by proclamation, as and so often as he may see fit, suspend the operations of this Act, or within the period aforesaid again declare the same to be in full force and effect, and, upon any such proclamation, this Act shall be suspended or of full force and effect as the case may be.

4. This Act may be altered, amended, or repealed during the present session of Parliament.

Incl. 2 in No. 4.

Inclosure 2 in No. 4.

(No. 3,201.)

CAP. II.

AN ACT to protect the inhabitants of Lower Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.

[Assented to 8th June, 1866.]

FOR the protection of the inhabitants of Lower Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. In case any person, being a citizen or subject of any foreign state or country at peace with Her Majesty, be or continues in arms against Her Majesty within Lower Canada, or commits any act of hostility therein, or enters Lower Canada with design or intent to levy war against Her Majesty, or to commit any felony therein, for which any person would, by the laws of Lower Canada, be liable to suffer death, then the Governor may order the assembling of a Militia General Court Martial for the trial of such person, agreeably to the Militia laws; and upon being found guilty by such court-martial of offending against this Act, such person shall be sentenced by such court-martial to suffer death, or such other punishment as shall be awarded by the Court.

2. If any subject of Her Majesty, within Lower Canada, levies war against Her Majesty, in company with any of the subjects or citizens of any foreign state or country then at peace with Her Majesty, or enters Lower Canada in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any such act of felony as aforesaid, or if with the design or intent to aid and assist, he joins himself to any person or persons whatsoever, whether subjects or aliens, who have entered Lower Canada with design or intent to levy war on Her Majesty, or to commit any such felony within the same, then such subject of Her Majesty may be tried and punished by a Militia court-martial in like manner as any citizen or subject of a foreign state or country at peace with Her Majesty, is liable under this Act to be tried and punished.

3. Every citizen or subject of any foreign state or country who offends against the provisions of this Act, is guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried before "The Court of Queen's Bench" in the exercise of its criminal jurisdiction in and for any district in Lower Canada, in the same manner as if the offence had been committed in such district, and upon conviction shall suffer death as a felon.

No. 5.

No. 5.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 52.) Government House, Ottawa, June 13, 1866.

SIR, (Received June 27, 1866.)

I HAVE to transmit herewith, for your information, a copy of a despatch which I addressed to Her Majesty's Minister at Washington, in reference to the proclamation of the President of the United States relative to the Fenian organization.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) MONCK.

&c. &c. &c.

Inclosure in No. 5.

Viscount MONCK to Sir F. BRUCE.

SIR, Government House, Ottawa, June 11, 1866.

I HAVE learnt from the public press the terms of the proclamation which the President of the United States of America has promulgated against the hostile designs of the Fenians on the Province the government of which I have the honour to administer.

I have also, by the same means, been made acquainted with the orders issued by the Attorney-General of the United States and other officers of the Administration of that country for the apprehension of the persons of Fenian conspirators and the stoppage and seizure of arms and other supplies intended to be used by them against Canada.

As these proceedings of the Government of the United States have materially tended to defeat the hostile purposes of the Fenians against this Province, I shall feel much obliged if you will convey to the Secretary of State for the United States my acknowledgments of the course which has been adopted by that Government in reference to this matter.

I have, &c.

His Excellency the Hon. Sir F. Bruce, G.C.B., &c. &c. &c. (Signed) MONCK.

No. 6.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Ottawa, June 14, 1866.

(No. 53.) (Received June 27, 1866.)

SIR, (Answered, No. 71, June 30, 1866, page 78.)

I HAVE the honour to transmit for your information the reports* to the Lieutenant-General commanding Her Majesty's Forces of the several officers whose names are noted in the margin relating to the proceedings connected with the late Fenian invasion at Fort Erie, Canada West.

I think these documents substantially corroborate the accounts which I gave you, from telegraphic and other information, in my despatches Nos. 43, 45, and 47 of the 1st, 4th, and 8th instant. Pages 1 and 3.

From all the information I have received, I am now satisfied that a very large and comprehensive plan of attack had been arranged by the party which is popularly known as the Sweeney-Roberts section of the Fenian Brotherhood.

This plan of invasion, in addition to the attempt on the Niagara frontier—the only one which actually occurred—appears to have embraced attacks on the line of the Richelieu and Lake Champlain, and also on the frontier in the neighbourhood of Prescott and Cornwall, where I have reason to think the principal demonstration was intended.

For the latter object, large bodies of men sent by railroad from almost all parts of the United States were assembled at a place called Malone, in the State of New York, and at Potsdam, also in the State of New York; and, with a view to the former, St. Albans and its neighbourhood, in the State of Vermont, was selected as the place of assemblage.

Large supplies of arms, accoutrements, and ammunition were also attempted to be forwarded by railroad to these points; but, owing to the active intervention of the authorities of the United States, as soon as it became apparent that a breach of international law had been committed by these persons, a very large portion of these supplies never reached their destination.

It is not easy to arrive at a trustworthy estimate of the number of men who actually arrived at their different points of rendezvous.

It has been reported at times that there were at Potsdam, Malone, and the intervening country as many as 10,000 men, and similar rumours have been from time to time circulated of the force at St. Albans and its neighbourhood.

From the best opinion I can form, however, I should be inclined to think that the

* Lieutenant-General Sir J. Michel to the Secretary of State, June 8; Colonel Peacocke, June 4; Lieutenant-Colonel Booker, June 2, 1866. Lieutenant-General Sir J. Michel to the Secretary of State, June 8, 1866; Statement of Naval Force; Return of Troops. Lieutenant-General Sir J. Michel to the Secretary of State, Montreal, June 11; Lieutenant-Colonel Dennis, June 4; Captain Akers, June 7; Colonel Lowry, June 4, 1866. Lieutenant-General Sir J. Michel to the Secretary of State, Montreal, June 11, 1866.

number of Fenians in the vicinity of St. Albans never exceeded 2,000 men, and that 3,000 would be a fair allowance for those assembled at Potsdam, Malone, and the surrounding country.

The men have been represented to me as having, many of them, served in the late civil war in the United States, to have had a considerable amount of small arms of a good and efficient description. I have not heard of their possessing any artillery, and I am informed that they were deficient in the supply of ammunition, and totally destitute of all the other equipments of an organized force.

They appear to have relied very much on assistance from the inhabitants of the province, as the force which invaded Fort Erie brought with them, as I am told, a large quantity of spare arms to put into the hands of the sympathizers whom they expected to join them.

I have in my former despatches noticed the measures which were adopted by the Provincial Government, in order to place at the disposal of the Lieutenant-General commanding Her Majesty's forces the provincial resources available for defence both by land and water.

The Reports of the officers of the army and volunteers, which I transmit, will acquaint you with the manner in which these means were used by the officers in command.

I am happy to be able to bear my tribute to the energy and good faith exhibited by the American Government and its officials in checking all infraction of international obligations on the part of any portion of its citizens from the moment that it became evident that an invasion of the Province by the Fenians had actually taken place. The determination of the Government of the United States to stop the transportation of men and supplies to the places of assembly rendered even temporary success on the part of the Fenians impossible, while the large forces which the Lieutenant-General commanding was able to concentrate on each of the points threatened, had the effect of deterring from an attack the portion of the conspirators who had already arrived at their places of rendezvous.

No invasion in force occurred, except at Fort Erie, a slight incursion took place at a place called at St. Armand, about thirteen miles from St. John's, on the borders of the County of Missisquoi, which ended in the capture of about sixteen prisoners without any loss on our side.

The latest accounts I have received announced that the men who had congregated at the different points of assembly were being transmitted to their homes at the expense of the Government of the United States, most of the leaders having been arrested and held to bail to answer for their conduct.

Although I deplore the loss which the Volunteer force engaged on the 2nd June, at Limestone Ridge, has suffered amounted to six killed and thirty-one wounded, I think it is a matter for congratulation that a movement which might have been so formidable has collapsed with so small an amount of loss, either of life or property.

I think it is also a source of satisfaction that such strong proofs have been afforded of the spirit which animates the Canadian people, of their loyalty to the Throne, of their appreciation of the free institutions under which they live, and of their readiness at all times to prove their sense of the value of those institutions by incurring expense and personal risk in the defence of them.

The period of the year at which the people has been called on to make these sacrifices of time by serving in the Volunteer ranks has been the most inconvenient that could be selected, yet I have never heard a murmur from any quarter at the necessity for suspending industrial occupation involving the risk of losing a whole year's production, while I have received information of a good deal of discontent on the part of those who were anxious to give their services, but whose presence in the ranks was not considered necessary.

I have to express my very high sense of the services performed by Lieutenant-General Sir J. Michel and the officers under his command in the able disposition of the troops both regular and volunteers. The officers of the Royal Navy stationed at Quebec and Montreal deserve the highest credit for the rapidity with which they extemporized gun-boats for the defence of the St. Lawrence and the Lakes.

I have already spoken of the admirable spirit displayed by the Volunteer force, both officers and men. I have every reason to believe that their conduct as regards discipline and order has entitled them to as much commendation as does their spirit of patriotism and self-reliance.

I desire particularly to bring before your notice the ability and energy exhibited by Colonel Macdougall, Adjutant-General of Militia, with a view to having his services specially mentioned to His Royal Highness the Commander-in-Chief.

This officer has not yet been one year in Canada, yet so admirable is the system of organization which he has established, that he is able within a few hours to assemble on any given point over a line of more than 1,000 miles, masses of Volunteers, who at the time the order was given were scattered over the country pursuing their ordinary avocations.

While I attribute full credit to the excellent spirit of the people for its share in this effect, I think the administrative ability which has given practical operation to the good feeling of the population ought to have its meed of praise, and in the interests of the public service on some possible future emergency ought not to be left without official record.

There are prisoners in our hands to the number of about 150. I have not yet received official returns of them, whose trial will be proceeded with at an early day.

I confidently expect within a few days to be able to dismiss to their homes the great majority of the Volunteers, and my firm conviction is, that this disturbance will produce beneficial effects by discrediting Fenian enterprises, exhibiting the futility of any attempt at invasion of the Province, and showing the absence of all disaffection amongst any portion of the people of Canada.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Inclosure 1 in No. 6.

Incl. 1 in No. 6.

Lieutenant-General Sir J. Michel to the Secretary of State for War.

My Lord, Head-Quarters, Montreal, June 8, 1866.

I HAVE the honour to forward Reports, as per margin,* referring to operations from the 1st to the 4th of June, on the Niagara frontier.

It appears by those Reports that Colonel Peacocke, of the 16th Regiment, with a force, as per margin,† arrived at Chippawa on the evening of the 1st of June, and that hearing a Fenian force was encamped at Black Creek, he endeavoured to arrange for the morning of the 2nd a combined movement with the Volunteer force, as per margin,‡ under Colonel Booker, at Port Colborne. During the night, however, the Fenians removed to Ridgeway, and circumstances did not permit Colonel Peacocke to move so early as the hour proposed. I may here incidentally state that some discrepancies exist between the reports of Colonels Peacocke and Booker as to the time named for junction, it will be seen by the slight sketch subjoined that the Fenians had moved during the night, three miles nearer Port Colborne, and three miles further from Colonel Peacocke's force.

The consequence of this was that the Volunteers came on the enemy unexpectedly; and although they attacked him with much gallantry, and suffered severely, as may be seen by the subjoined list of killed and wounded, were, from want of support, and from other causes connected with their state (as new to warfare), worsted by the enemy and forced to retire to Port Colborne, but without much molestation.

The enemy then turned their attention to a small party of Volunteers under Colonel Dennis, who had seized Fort Erie, to which place they had, in a steam-tug, on the morning of the 2nd proceeded.

Colonel Dennis' party, I believe, took some forty prisoners, but the report from that officer has not yet reached me.

Colonel Peacocke's column having been reinforced by Lieutenant-Colonel Villier's 47th Regiment with a force as per margin,§ arrived on the evening of the 2nd within two miles and a half of Fort Erie, and on the morning of the 3rd proceeded to that place.

The great body, however, of the enemy on the night of the 2nd had recrossed the river. They were immediately seized by the United States' authorities, and placed in arrest.

Colonel Peacocke in his march picked up a considerable number of prisoners.

Although the result of these operations, in a military point of view, were not so satisfactory to me as I could have wished, still I feel that from the total want of cavalry the change of the position of the enemy during the night of the 1st could not have been

* Colonel Peacocke's, June 4; Lieutenant-Colonel Booker's; List of Killed and Wounded.
† 400 Regulars, 6 guns. ‡ 840 Volunteers.
§ 150 Regulars, 750 Volunteers; total, 900 Infantry.

discovered, nor Colonel Peacocke's change of hour for operations to commence have been made known to Colonel Booker, and therefore that the partial failure must be attributed to one of those mischances in warfare, which it is difficult to provide against, and only possible when all the appliances of war are within our grasp.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General,
Commanding the Forces in British North America.

The Right Hon. the Secretary of State for War,
War Office, London.

Incl. 2 in No. 6.

Inclosure 2 in No. 6.

Colonel PEACOCKE to Major-General NAPIER.

SIR, Fort Erie, June 4, 1866.

I HAVE the honour to make the following report of my operations in the field since the 1st instant:—

In compliance with a telegram received from you, I joined at 2 o'clock, at Hamilton, with 200 men of my own battalion; the force proceeding from Toronto to St. Catherine's consisting of one battery of Royal Artillery, under the command of Lieutenant-Colonel Hoste, C.B., and 200 men, 47th Regiment, under the command of Major Lodder.

You had also placed under my command for the defence of the frontier seven companies of Volunteer force stationed at St. Catherine's, under the command of Lieutenant-Colonel Currie, the Queen's Own Regiment of Volunteers at Port Colborne and the 13th battalion of Volunteer Militia, commanded by Lieutenant-Colonel Booker at Dunnville, and you had informed me that I should be reinforced at St. Catherine's that evening by 800 men.

Your instructions were that I was to make St. Catherine's my base, to act according to my own discretion as to advancing on Clifton or elsewhere, and to attack the enemy as soon as I could do so with a force sufficient to ensure success.

On arriving at St. Catherine's, I received telegrams to the effect that the Fenians, about 800 strong, were marching on the suspension bridge, and were actually two or three miles from Chippewa. I pushed on immediately to the bridge, leaving orders for all troops arriving at St. Catherine's to follow me as soon as possible.

On reaching the bridge I heard the enemy had not yet reached Chippewa; and being anxious to save the bridge over the creek, I pressed on with the four hundred Infantry in the train, preceded by a pilot-engine, the battery marching by road in consequence of the reported want of platform accommodation at the Chippewa station. It was dark when we arrived at Chippewa. We bivouaced there that night.

I here received numerous reports from scouts sent out by Mr. Kirkpatrick, the reeve. They agreed generally in the statement that the Fenians had entrenched themselves roughly a little below Fort Erie, at Frenchman's Creek, and had sent on a party towards Chippawa. Their strength was variously estimated from 800 to 1,500.

I resolved on effecting a junction with the force at Port Colborne, to which place I had already ordered the battalion from Dunnville.

With this object in view, I selected Stevensville as the point of junction, and having explained to Captain Akers, Royal Engineers, who accompanied the force from Toronto, what my object was, and that this point was chosen because, judging from the information received, we could not be anticipated at it till the evening.

I dispatched that officer at 12 o'clock to communicate with the officer commanding at Port Colborne, to make him conversant with my views, and to order him to meet me at Stevensville between 10 and 11 o'clock next morning, informing him that I should start at 6 o'clock.

I continued to send out scouts during the night, and to receive reports which made me believe that my information was correct, and that the enemy had not left their camp.

At about 2 o'clock I received a telegram from Colonel Booker, despatched before he was joined by Captain Akers, informing me that he had given order to attack the enemy at Fort Erie.

At about half-past 3, I received another one from Captain Akers, despatched after he had reached Port Colborne, saying that the enemy is at French Creek, and proposing that Lieutenant-Colonel Booker's force should advance on Fort Erie, and join us at Frenchman's Creek.

At about half-past 4 o'clock I was joined by the seven companies of Volunteer force

from St. Catherine's, formed into a battalion 350 strong, under Colonel Currie, and by the expected reinforcement under Lieutenant-Colonel Villiers, 47th Regiment, which consisted of 150 men, 47th, and of the 10th Royals, 415 strong, under Major Boxall.

The Volunteers, being unprovided with means of carrying provisions and of cooking them, had not been able to comply with an order I had sent the previous evening, that they were to bring provisions in their haversacks.

I saw that the absolute necessity of furnishing them with some would cause a delay, and I telegraphed to Port Colborne that I should be one hour later in starting.

We marched at 7 o'clock, leaving the garrison Volunteer battery from St. Catherine's under Captain Stoker, to hold Chippawa.

The day was oppressively hot, and our guides took us by a road much longer than necessary. When about three miles from Stevensville, at about 11 o'clock, I received a few lines from Lieutenant-Colonel Booker, written at half-past 7 o'clock, to the effect that he had just received my telegram, but that he was attacked in force by the enemy at a place three miles south of Stevensville; at the same time I received information that he had retired on Ridgway. I encamped a mile further on at a place called New Germany, across a road leading due south to Stevensville.

At about 4 o'clock, having gathered information that the enemy was falling back on Fort Erie, I left everything behind which would encumber the men and started to follow them.

At the moment of starting we received an important accession to our strength by the arrival of the Cavalry Body Guard of his Excellency the Governor-General, fifty-five strong, under Major Denison.

We marched until dark, and halted two miles and a half from Fort Erie, the men sleeping on their arms and due precaution being observed.

During the night I sent out scouts to collect information. It appeared that the Fenians on retiring had posted themselves at once near the Old Fort, some said they had been reinforced, some that they were attempting to recross into the United States.

I also heard that three companies 16th Regiment, and three companies 60th Rifles, had arrived at our vacated camp at New Germany, and that a force had reached Black Creek, also that ten more companies of Volunteer Militia had arrived at Port Colborne.

The Volunteer garrison battery which I had left at Chippawa joined me during the night.

Anxious to prevent the escape of the Fenians, I sent word to the officers commanding at those three places that I was going to attack Fort Erie and asked when they would be able to co-operate.

Subsequently fresh reports of attempts of the Fenians to escape having reached me, I determined on advancing at once.

We were about to move when Lieutenant-Colonel the Honourable Hillyard Cameron came into camp and informed me that they had escaped.

This intelligence caused great mortification in my little force. I desired Major Denison to scour the country and enter the town, he sent me a message that he was informed that there were still a body of Fenians about the Old Fort.

We at once marched in that direction skirmishing through the woods, and though Major Denison soon informed me that they really had escaped, as many scouts and farm people assured us they had not escaped We took a long sweep through the woods, our right on Lake Erie, a few stragglers were seen and four reported shot.

On entering the Old Fort, traces were found of its having been recently occupied.

During the short operation which extended only over forty hours, the troops under my command underwent very great fatigue, and bore it with the best spirit and great cheerfulness.

I received all possible support and co-operation from officers of all ranks, the conduct of the men was excellent, a great number of private individuals rendered me services various ways, and the inhabitants generally displayed a good and loyal feeling.

Mr. Swinyant, Manager of the Great Western Railroad, gave me the benefit of his services in person, he placed at my disposal the resources of the railway, and the officials on the line exerted themselves to render these available.

I have the honour to enclose a report of Lieutenant-Colonel Booker of his operation on the 2nd instant.

(Signed) GEORGE PEACOCKE,
Colonel and Lieutenant-Colonel, 1st Battalion 16th Regiment.

Major-General G. Napier, C.B.,
Commanding 1st Military District, Toronto, Canada, West.

ncl o.3 in No. 6.

Inclosure 3 in No. 6.

REPORT of Lieutenant-Colonel BOOKER.

SIR, Port Colborne, June 2, 1866.

I HAVE the honour to report that, in accordance with instructions received from Colonel Peacocke, through Captain Akers, I proceeded by train at 5 A.M. to-day, to Ridgeway station, on the B. and L. W. railroad with the Queen's Own, of Toronto, Major Gilmor, say 480 men, of all ranks; the York Rifles, Captain Denis; the Caledonian Rifles, Captain Jackson, and the 13th battalion, of Hamilton, together about 360 men, total of all ranks, say 840 men, in order to form a junction with Colonel Peacocke, at Stevensville at 9 to 9.30 A.M. On arriving at Ridgeway I sent the Great Western train away, and as I could not obtain a horse or waggon in the place for the conveyance of stores, I was compelled to leave without the stores, and sent them back to Port Colborne. At a little before 8 A.M. we were feeling our way upon the Stevensville road, and were about three miles from that village, when our advanced guard felt the enemy. Major Gilmor extended the Queen's Own in skirmishing order, in admirable style; the men advancing in good spirits, they were supported and relieved as required by the 13th of Hamilton, and the Rifle Companies from York and Caledonia. After Major Gilmor had expended much ammunition, he reported to me that his ammunition was failing, at 9.30, after being engaged under a hot fire for an hour and a half, I observed the enemy throwing back his right and reinforcing his left flank, I immediately ordered up two companies, in support, to counteract the movement; at this moment, I received a telegram by the hands of Mr. Stovin, Welland railroad, on the field, informing me that Colonel Peacocke could not leave Chippawa before 7 o'clock, instead of 5 A.M. the hour named by Captain Akers, on his behalf. The enemy was strongly posted in the woods, on the west of the garrison road, the road forming an entrance as it were, to a *cul-de-sac*. We outflanked him, when he brought up his centre reserves, and outflanked us, we drove them in the first place, over a mile, and held possession of their rifle pits. A cry of cavalry from the front, and retreat of a number of men in our centre on the reserves, caused me to form a square, and prepare for cavalry. This mistake originated from relieved skirmishers doubling back. I immediately reformed column and endeavoured to deploy to the right; a panic here seized our men, and I could not bring them again to the front; I regret to say we have lost several valuable officers and men, I estimate the strength of the enemy as greater than ours, and from the rapid firing they were evidently armed with repeating rifles.

I have, &c.

(Signed) A. BOOKER, Lieutenant-Colonel,
Commanding Volunteer Militia.

P.S.—We are destitute of provisions here. A. B.

If I had only one gun of artillery I feel sure the result would have been different. A. B.

LIST of Killed and Wounded in the Engagement at Ridgeway, on the 2nd June, 1866.

13th Infantry Battalion.

Killed.—None.

Wounded.—Lieutenant Routh, dangerously; 6 privates.

Queen's Own Rifles

Killed.—Ensign McEachun; 5 privates.

Wounded.—Captain Boustead, Lieutenant Berau, Lieutenant Campbell, Ensign Fahay, 1 Colour Sergeant, 3 Sergeants, 2 Corporals, 15 Privates.

Missing.—1 Private.

(Signed) G. NAPIER, Major-General.

The return I received from the Queen's Own, does not, as you will perceive, state the nature of the wounds, I will send for another properly filled in to-morrow.

(Signed) G. NAPIER, Major-General.

Toronto, June 6, 1866, 10·30 A.M.

Inclosure 4 in No. 6. Inclo. 4 in No. 6.

Lieutenant-General Sir J. MICHEL to the SECRETARY OF STATE FOR WAR.

MY LORD, Head-Quarters, Montreal, June 8, 1866.

I HAVE the honour to forward a statement of the naval force which has been placed on the St. Lawrence and Lakes within the last week, chiefly owing to the valuable and extraordinary exertions of Captain Hood of Her Majesty's ship "Pylades."

This flotilla is more valuable than any number of troops, and quite places the line of the St. Lawrence in our hands.

Also a return showing the number and position of our troops.

The Proclamation just issued by the President of the United States has had already very great effect.

The United States Government and Military authorities, are acting with good faith, vigour, and promptitude.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General,
Commanding the Forces in British North America.

The Right Hon. the Secretary of State for War,
War Office.

Inclosure 5 in No. 6. Inclo. 5 in No. 6.

MEMORANDUM of Naval Arrangements.

These have been made under authority of his Excellency the Governor-General.

Those at Montreal have been carried out under Captain Hood, of Her Majesty's ship "Pylades," who has supplied the accompanying tabular statement.

At Toronto the steamers "Magnet" and "Rescue," have been taken up; crews, armaments, and stores for them reached Toronto on 5th proximo, from Her Majesty's ship "Aurora," Captain de Horsey, which is at Quebec.

The "Rescue," Lieutenant Heron Maxwell, R.N., has passed into Lake Erie and is now at Windsor, C.W.

The "Magnet," Lieutenant Fairlie, R.N., is at Toronto, C.W.

The "Watertown," a ferry boat, has been taken up at Kingston and armed with a 24-pounder brass howitzer, and 9-pounder brass gun; she is manned by Royal Artillery and a Volunteer Naval Company.

Vice-Admiral Sir J. Hope was to arrive in Her Majesty's ship "Duncan" at Quebec this morning, with the 17th Regiment on board from Halifax.

He has been telegraphed.

By command,
(Signed) WM. EARLE, Lieutenant-Colonel,
June 8, 1866. Military Secretary.
(Signed for the Lieutenant-General, who has gone to St. John's.)

Inclosure 6 in No. 6.

REPORT of Steamers Hired and Fitted as Gun-boats, for Service in the St. Lawrence.

Name.	Length.	Beam.	Horse-power.	Draft of Water.	Speed.	How Armed.	How Protected.	How Manned.		Service on which Employed.
								Officers.	Men.	
	Feet.	Feet.		Ft. in.	Knots.					
"Royal," paddle-steamer	150	38	80	6 6	11	With two 12-pounder Armstrong's; and one 12-pr. howitzer.	Rifle-proof bulwarks have been built before and abaft paddle-boxes of pine, 6 ft. high, 9 in. thick, and lined with $\frac{1}{4}$ in. boiler-plate; a slit for rifles at intervals of 3 ft. in bulwarks. Ports are covered with boiler-plate when not engaged. Wheel-house protected by boiler-plate boarding, nettings in gangways.	Lieutenant Vidal. 1 Sub-Lieutenant. 1 Assistant Surgeon. 1 Midshipman. 1 Engineer.	30 Seamen and boys. 3 Stokers. 1 Carpenter. 6 Marines.	Head-Quarters, Cornwall, to protect that place and its vicinity, as far as Salmon River.
"Hercules," ditto ..	125	30	75	6 6	10	With one 20-pounder Armstrong; one 12-pounder howitzer; and one 6-pr. gun.	In exactly the same manner as the "Royal."	Lieutenant Douglass. 1 Sub-Lieutenant. 1 Assistant Surgeon. 1 Midshipman. 1 Engineer.	Same as "Royal."	Head-Quarters, Prescott, to protect that place and its vicinity.
"Canada," ditto ..	125	30	75	6 6	10	With one 24-pr. howitzer, and one 12-pr. howitzer.	Ditto	Lieutenant Hooper. 1 Sub-Lieutenant. 1 Midshipman. 1 Engineer.	Ditto	To watch between Salmon River and Bodet Bridge.
"St. Andrews," ditto ..	150	40	80	6 10	11	With one 20-pounder Armstrong; one 24-pounder howitzer; and one 12-pr. howitzer.	Ditto	Lieutenant Smith. 1 Sub-Lieutenant. 1 Assistant Surgeon. 1 Midshipman. 1 Engineer.	Ditto	"St. Andrews" is not yet finished; will sail about 4 P.M. on June 8. To watch between Kingston and Gananague.

Every Seaman and Boy is armed with rifle, revolver, and cutlass; Marines with rifles and revolvers. 2,000 rounds of rifle ammunition, and 100 rounds of pistol ammunition is supplied for each man and boy.

One hundred rounds of segment shell are furnished for each Armstrong gun; 100 rounds of common shell, diaphragm shell and case, for each smooth-bore gun.

Montreal, June 7, 1866.

(Signed) A. N. A. HOOD, *Captain.*

Inclosure 7 in No. 6.

Inclo. 7 in No. 6

RETURN showing Position and Number of Troops.

		Regulars.	Volunteers.	Total.	Field Guns.	
Major-General Napier	Niagara frontier ..	2,000		2,000	6	
Colonel Lowry, 47th Regiment	London frontier ..	800	2,000	2,800	10	Volunteer guns.
Colonel Hawley, 60th Regiment	Toronto	..	..	..	..	No Return.
Major-General the Hon. J. Lindsay	Kingston	460	1,370	1,830	3	3 Volunteer guns, 660 Volunteers, from the West.
Colonel Giblon, Royal Artillery	Prescott	182	1,144	1,326	2	2 Volunteer guns, 50 Volunteers, available at Brockville.
Lieutenant-Colonel Atcherley, Volunteer Militia..	Cornwall	900	1,000	1,900	8	
Colonel Pakenham, 30th Regiment	Huntingdon District..	..	1,144	1,144	2	Volunteer guns.
Lieutenant-Colonel Smith, Volunteer Militia ..	Isle aux Noix ..	140	152	292		
Captain Heberden, Royal Artillery	St. John's District ..	1,180	980	2,160	10	
Colonel Ebrington, Rifle Brigade	Montreal	800	900	1,700	2	
Colonel Lord A. Russell, Rifle Brigade ..	Quebec	960	579	1,539	4	Volunteer guns.

The numbers are only approximate.
The 2nd Battalion of the 7th Regiment has come to Montreal from Quebec.
The 2nd Battalion of the 17th Regiment will arrive at Quebec to-day in the flag ship.
The Volunteers' numbers do not include Companies guarding detached points, or left at their native places.

(Signed) J. MICHEL, Lieutenant-General,
Montreal, June 8, 1866. Commanding Troops, British North America.

Inclosure 8 in No. 6.

Inclo. 8 in No. 6.

Lieutenant-General Sir J. MICHEL to the MILITARY SECRETARY, Horse Guards.

SIR, Head-Quarters, Montreal, June 11, 1866.

IN continuation of my despatch of the 8th June, referring to affairs on the Niagara frontier, I have now the honour to forward copies of the reports of Lieutenant-Colonel Dennis, who commanded a party which proceeded in a tug from Port Colborne on the morning of the 2nd June, and seized Fort Erie, and of Captain Akers, R.E., who accompanied him.

The latter report will give His Royal Highness some insight into the want of preparedness of the Volunteer levies hurriedly called out. Nevertheless, these levies behaved very well, and, with very short experience in the field, would make good troops. Their heart is in their business, and they deserve much praise.

I have, &c.

The Military Secretary, (Signed) J. MICHEL, Lieutenant-General.
Horse Guards.

Inclosure 9 in No. 6.

Inclo. 9 in No. 6.

Lieutenant-Colonel DENNIS to Colonel LOWRY.

SIR, Erie, June 4, 1866.

AVAILING myself of the earliest moment, I have the honour to report for the information of his Excellency the Commander-in-Chief the following narrative of events connected with the late Fenian invasion at this place in which I was directly concerned subsequently to my leaving Toronto on the morning of Friday last.

My orders were on that occasion to proceed with the 2nd, or Queen's Own, 400, strong, to Port Colborne; occupy and, if necessary, intrench a position there, and wait for reinforcements and further orders before any attack was made on the enemy, who, it was represented, numbered some 1,500 men, and was advancing on that point. Although finding great excitement at the different stations along the Welland Railroad on the way up, at Port Colborne, where I arrived about noon, things were quiet; no definite news having reached there, in consequence of the Fenians having cut the wires at Fort Erie, out of which place they had driven the officials at 5 A.M. that morning. Report, however, said that they had some two hours subsequently sent a party up the track, and burnt a bridge crossing a small stream, known as Sarwine's Creek, six miles from Erie on the

railway to Port Colborne. No news of any further approach having been brought in by any of the numerous scouts sent out by the villages during the forenoon, I proceeded to billet the men, in order to get them dinner; and then, before determining to commence the construction of any defences, I dispatched messengers across to Buck's Tavern and Stevensville, between Erie and the town of Welland, to ascertain and report any movement of the enemy in that direction, which I thought probable, as sufficient time had elapsed to enable him to reach Port Colborne, had that been his intention; and having, through the kindness of Mr. Larmont, the superintendent of the line, obtained a locomotive, I started down the railway upon a reconnaissance, getting down to within six miles of Erie, the burning of the bridge mentioned preventing any closer approach. I then learnt that the bridge had been destroyed by a party of some seven men, who had come up at about 7 A.M., who, in addition, stole a number of horses from the farmers in the vicinity, and then went back towards the main body, which, from testimony I received, it appeared, had gone down the river about a mile below the Lower Ferry, and camped close to the River Road, on one Newbigging's Farm.

See points A and B on diagram.

See point C on map.

Their numbers were variously estimated at from 450 to 1,200 men. This testimony was corroborated by the statement of the mounted scouts from Buck's Tavern and Stevensville, who returned in the evening, and went to show that, with the exception of parties out stealing horses, there had been no Fenians seen in that direction, and was rendered certain by the arrival about 10 P.M. of Mr. Graham, the officer of Customs at Fort Erie, who had been in their camp at 6 o'clock that evening. Shortly before this time, however, Colonel Booker, of Hamilton, had arrived with the 13th Battalion of Volunteers, and, being senior officer, took command, and continued the communication by telegraph which had been going on between Colonel Peacocke and myself, respecting position and strength of enemy, and best method of attacking him. Colonel Peacocke, then at Clifton, having at about 5 P.M. telegraphed me that he had ordered the International Railway steamer up to Port Colborne for me to put upon her a gun or detachment, in order to patrol the river from Fort Erie to Chippawa—she not having arrived at 10.30 P.M.—I ordered the "Robb," a powerful tug-boat, owned by Captain McCollum, down from Dunnville, for the purpose, intending to place upon her the Welland battery, without guns (the men armed with Enfield rifles), and received a reply that she would be down at 3 A.M. the following morning. This was the position of affairs when Captain Akers, R.E., arrived from Chippawa, sent over by Colonel Peacocke, to consult and to explain Colonel Peacocke's views as to the best mode of attack.

After due consideration between Captain Akers, Colonel Booker, and myself, a certain course was decided, arranging for an attack in concert on that morning, and Colonel Peacocke was telegraphed accordingly.

In accordance with this plan, Captain Akers and myself embarked on the tug* (which did not arrive, however, till about 4 A.M., having been delayed in consequence of Captain McCollum wishing to bring with him his naval company from Dunnville), and proceeded down to reconnoitre the river and Fenian camp, arranging to meet the Port Colborne force back at the railway depôt, three miles above the enemy's camp, at 7, or, at the latest, half-past 7. On our way past the village of Fort Erie, we were brought to by the armed patrol tug-boat from the United States' steamer "Michigan," who, on finding out who we were, informed us that the Fenian camp on Newbigging's Farm had been broken up at 3 A.M. that morning, the enemy having marched down the River Road.

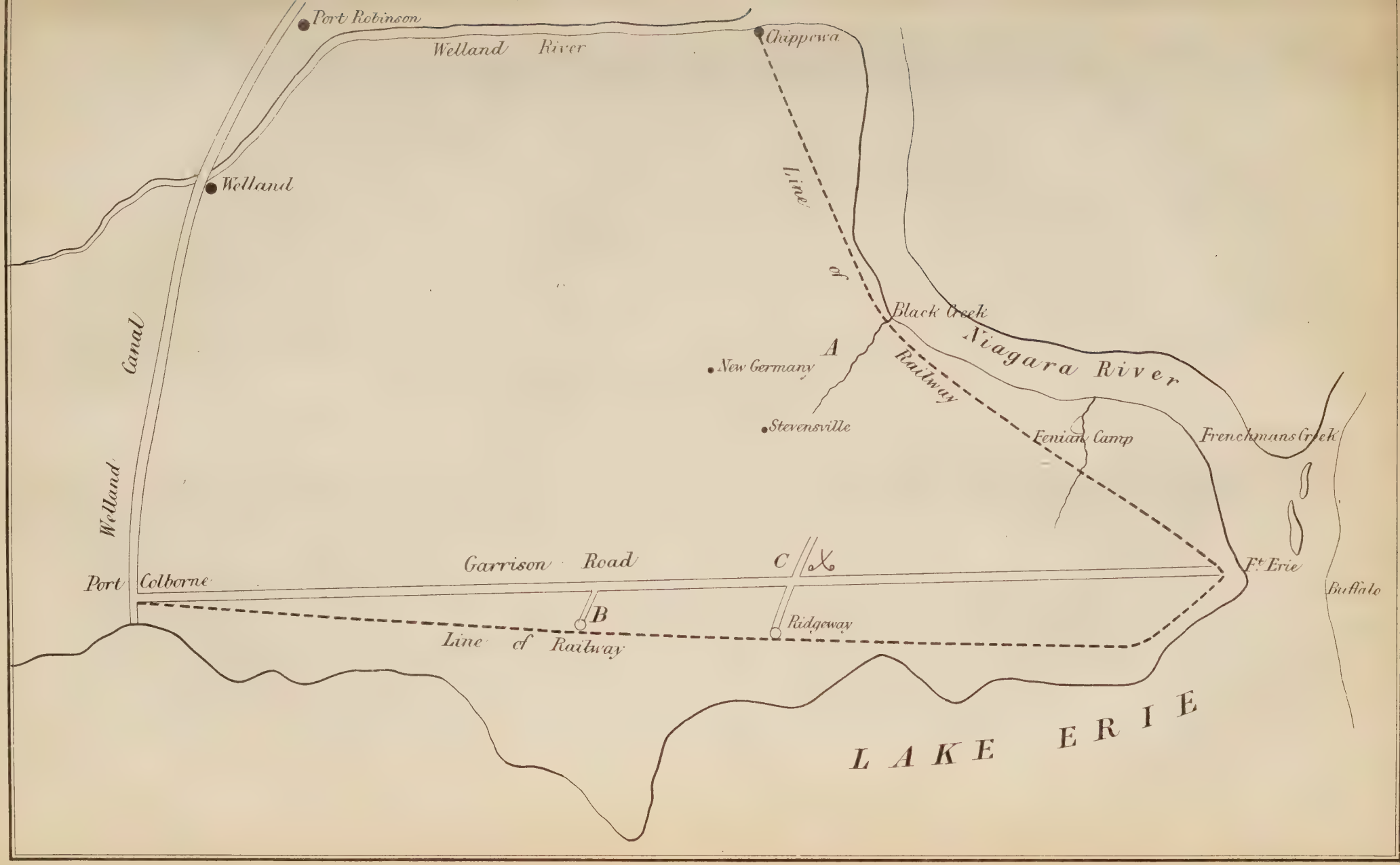
We proceeded down the river to the mouth of the Black Creek, eight miles above Chippawa, where we learnt that they had turned off the river to the west, a short distance above, and were there, at a point two miles directly in rear of a place called New Germany. A messenger was at once sent off to Colonel Peacocke, presumed then, under previously-concocted arrangements, to be near there moving up; and we returned with the tug, in accordance with that arrangement, to meet Colonel Booker and the Port Colborne force at the Upper Railroad Depôt at Fort Erie.

See point E on sketch.

On our arrival there we could see or hear nothing of them. This was accounted for subsequently by the fact that Colonel Booker had received, after we left, an order from Colonel Peacocke directing him to turn off the railroad at Ridgway, some eight miles above Fort Erie, and cross the country in order to meet and attack in concert.

This being the case—presuming a combined attack would be made in the course of the day, of the result of which we could have no doubt, I considered, as I could not then join my proper force, that important service could be rendered by patrolling the river to intercept and capture fugitives, and to prevent by every possible means the escape across the river of any large body of the enemy.

* Our object in this was to ascertain definitely the position of the enemy's camp as preliminary to the attack.



Harrison & Sons Lith.

This having been determined on, Captain Akers and myself were engaged all day in patrolling the shore and scouring the woods along the river as far down as Black Creek, arresting in all, including six prisoners made about 9 o'clock in the morning at Fort Erie, some twenty-three men; during the course of the afternoon we learned through some of the prisoners that an engagement had taken place at some point in the interior, in which the Fenians had been utterly dispersed. This I was quite prepared to believe, as I had from the steamer observed Colonel Peacocke with a strong force on his way up from Chippawa turn in from the river-road towards New Germany, and I knew that Colonel Booker's force was coming down upon him from the south.

Concluding that the action which had been known to come off had resulted in the capture of the enemy, I returned to Fort Erie about half-past 5 o'clock P.M., proposing to get what information I could about the position of our troops, and to telegraph for instructions as to what should be done with the prisoners, who had amounted now, including those taken in the village and neighbourhood during the day also, to some sixty or sixty-five men. The numbers I cannot give precisely, as I had only got as far as those names given in the margin,* making out a memorandum of each case, and (having in the meantime made up my mind to send the prisoners by the tug to Welland Gaol) had brought down and embarked those in confinement in charge of the Reeve, when the alarm was given that the Fenians were entering the town in force. In fact, the first messenger had hardly delivered the news, when a second came in to say that they were within a quarter of a mile, coming down the street along the river. I went over from the pier to satisfy myself, and saw them in numbers, as judged about 150, advancing upon the street indicated. Supposing them to be of the material and the same miserable character physically as the prisoners we had been taking all day, I thought the detachment I had with the boat, even if we had to resort to the bayonet, sufficient to do for them, and concluded that my duty lay in making a stand against them.

This detachment consisted, as before mentioned, of the Welland Field Battery, 54 men and 3 officers, and of a portion, some 18 men and 1 officer, exclusive of the guard over the prisoners on the boat, of the Dunnville Naval Company.

I first took the precaution to put the prisoners under hatches, and then advancing to meet the enemy about 150 yards, drew up my little command across the street; as they came within about 200 yards they opened fire on us, when my detachment, by order, fired a volley from each of the companies, upon which a severe flank fire was opened on us from the west, and on looking in that direction I observed for the first time two considerable bodies of the enemy, running northerly parallel with the river, evidently with the intention of cutting us off and getting possession both of us and the steamer at the same time. Under the circumstances, as I considered if we tried to escape by the tug the enemy might be there as soon as we and so achieve his double object, and I therefore concluded that my duty lay in saving the prisoners we had on board and preventing the enemy from getting possession of the vessel, what I knew, and he probably also, was his only means of escape; and I therefore ordered the captain to cast off and get out in the stream, and ordered my men to retreat and do the best they could, and to get away, each man for himself.

During this time a heavy fire was kept up on us both front and flank, and I had the grief of seeing several of my men fall. We retreated down the front street under a very heavy though comparatively ineffectual fire; several of the men, contrary to my advice, taking shelter in a house the door of which stood open as they passed.

There being little or no cessation in the fire upon us in retreat, I had no desire to remain under it longer than was necessary, and accordingly turned into the premises of a friend in the lower part of the village, where I lay concealed although the premises were searched twice, the ruffians stating their intention to come a third time, and threatening if I were not given up, as they had seen me enter the gate, that they would destroy the property. Two of my men, one of them wounded, had previously taken shelter in the house, whom they captured.

Fearing another search, I dressed in disguise furnished by my friend, and then came out and remained in the village till nightfall, when I got through the lines and struck across the country in search of Colonel Peacocke. Finding his camp out about five miles back of Fort Erie; arriving there at 3 o'clock A.M. I then accompanied his force back to this place, during its operations later in the day, of all which, as also of the escape of the enemy during the night, that officer's report will doubtless inform you.

* 1. Dan. Drummond; 2. Pat O'Nally; 3. Berig. Perry; 4. Jno. Corney; 5. John Mahony; 6. W. Maddigan; 7. Jno. Hughes; 8. W. H. Harden or Shavin; 9. Denis Lanahan; 10. Jno. Murphy; 11. Owen Kennedy; 12. Francis Miles; 13. J. A. Heckman; 14. W. Baker; 15. W. Orr; 16. Jno. Maxfield; 17. Terin McCarthy; 18. Michael Rilfather; 19. Jno. Gray; 20. Rev. Jno. Lumoden.

On my return I was able to learn, for the first time, something of the casualties in the affair of the previous evening.

I feel rejoiced not to have to report any loss of life in my detachment, although I was given to understand that there were some five wounded in the Welland Battery, three of them so severely as to result in each case in the loss of a leg, among which cases I regret to say Captain King of the Welland Battery, and one man of the Dunnville Naval Company; none of the officers excepting Captain King were wounded. A Return of the casualties is appended hereto.

The enemy suffered more severely. Three of his number were killed outright and four were mortally wounded, two of whom died yesterday morning; the other two had been allowed, under the circumstances, by the Reeve Dr. Kempson, with the permission as I understood of Colonel Lowry, to be taken to the Buffalo Hospital.

Mr. Scholfield, the Lieutenant of the Welland Battery having gone to Welland to get his men together again, some of them having escaped across country to their homes during the night, is ordered without delay, when in a position to do so, to prepare an accurate list of the casualties in the battery.

I have detained this report somewhat in order to get his return.

Should there prove to have been any casualties not as yet reported I will lose no time in sending forward a list of the same.

I append the report of Captain Mc Collum, commanding Dunnville Naval Company, and owner of the steam tug referred to, to whom particularly, as also to his Lieutenant, W. Robb, the sailing master of the steamer, I have to express my obligation for their zealous and efficient assistance during the operations of Saturday.

I have also the gratification of saying that the other officers and men forming my little command, behaved most nobly in the affair during the afternoon at Fort Erie. I firmly believe that had I not ordered them to retreat they would have remained steady and fought until shot down in their tracks.

I have, &c.

(Signed) J. STOUGHTON DENNIS, Lieutenant-Colonel,
Commanding Detachment on Saturday 2nd June.

Colonel Lowry,
Commanding Niagara Frontier.

Inclo. 10 in No. 6.

Inclosure 10 in No. 6.

Captain Mc Collum to Lieutenant-Colonel Dennis.

Sir,

AT your request I have the honour to make the following report :—

On Saturdy last 2nd of June, between the hours of 3 and 4 P.M., after your departure, I retreated down the river under a galling fire, a distance of about three miles, with two men of Naval Brigade and thirteen men of the Welland Canal Field Battery, the rest having been cut off, and consequently taken prisoners, including the following officers, viz., Second Lieutenant Macdonald of Naval Brigade, and Lieutenant Scholfield, and Ensign Nimmo of Field Battery being wounded, and one man of the Naval Brigade, Lieutenant Robb, with steamer "Robb" commanding boats, and took us on board. I then held consultation with Lieutenant Robb as to future proceedings, we then determined, on account of being encumbered with so many prisoners on board, fifty-seven in number, and so very few men left to guard them, to run to Port Colborne and send the prisoners to a place of safety. In passing Fort Erie up the river, we, for a distance of a mile's run were under a heavy fire of musketry from the Canada shore, we passed without any casualties worth mentioning, and arrived safely at Port Colborne at half-past 6 P.M. of same day, and delivered the prisoners over to Lieutenant-Colonel McGiverin, with commitment and names inserted.

All which is respectfully submitted.

(Signed) L. Mc COLLUM,
Captain, N. B., Dunville.

Lieutenant-Colonel Dennis,
Fort Erie.

Inclosure 11 in No. 6. Inclo. 11 in No. 6.

RETURN of Casualties in action at Fort Erie on the afternoon of the 2nd day of June, 1866.

Rank and Names.	Where Wounded.	Remarks.
Captain R. S. King	Through the leg, below the knee..	Required amputation; doing well.
Gunner John Bradley	„ „ above the knee..	„ „ „
„ F. Scholfield	„ „ below the knee..	„ „ „
„ George Harrison	Through the leg	Doing well.
„ R. Thomas	Through the thigh	„
(Above, all belong to the Welland Company, N Battery, Dunnville Naval Brigade)		
Nelson Bush	Bayonet wound in chest ..	Slight wound; doing well.

(Signed) J. STOUGHTON DENNIS,
Lieutenant-Colonel Commanding Detachment.

Head-Quarter Force, Fort Erie,
June 7, 1866.

Inclosure 12 in No. 6. Inclo. 12 in No. 6.

Captain AKERS to the Commander of the Royal Engineers in Canada.

SIR, Montreal, June 7, 1866.

IN accordance with the orders of Major-General Napier, C.B., I reported myself to Colonel Peacocke at Hamilton, on Friday 1st June, and proceeded with him to Chippawa.

The same night about midnight, I was directed by Colonel Peacocke to proceed to Port Colborne to arrange with Colonel Dennis for making a combined attack on the enemy supposed to be entrenched on Black Creek, about three miles down the River Erie, seven miles from Chippawa, and two from Stevensville.

Colonel Peacocke was to move on Stevensville, so as as to arrive there about 9·30 A.M. Colonel Dennis to move along the railway to Ridgeway, as far as the state of the railroad would permit, and march from thence to meet Colonel Peacocke at Stevensville at the above hour, and from thence the combined forces were to march on the supposed position at A arriving at Port Colborne at about 2 A.M. I found the whole force under arms and in the cars.

Colonel Booker being senior to Colonel Dennis had taken over the command.

They had obtained from a Custom-house officer arrived from Erie, exact information as to the position of the Fenian camp; this was on Frenchman's Creek, about half-way between Black Creek and Fort Erie. The officer who had been in the camp at 6 o'clock, considered there were not more than 700 men, that they had been drinking hard during the day, and might fall an easy prey to a sudden attack.

Colonel Dennis was anxious to move off at once to the attack, and Colonel Booker was prepared to carry out the proposal if properly authorized.

Knowing Colonel Peacocke's anxiety to combine his forces with the Volunteers, before attacking the enemy, I could not in his name authorize the movement, nor did I think it prudent, as from the accounts we had received it appeared probable that the enemy's forces would be doubled during the night.

Having ascertained, however, that the railway bridge at Ridgeway, partially burnt in the morning, had been repaired, and that the line to Erie was opened, I arranged a somewhat different plan of attack, subject of course to Colonel Peacocke's approval.

The plan was as follows:—Colonel Booker to proceed by rail to Erie with the quarter part of his force, to arrive at Fort Erie at 8 A.M. Colonel Dennis and myself to go round the coast in a steam-tug, taking a company of Volunteer Artillery, to reconnoitre the shore between Fort Erie and Black Creek, and to return to Fort Erie in time to meet Colonel Booker at 8. Should Colonel Peacocke approve of this, he would march by the river round from Chippawa and make a combined attack with Colonel Booker at some point between Fort Erie and Black Creek, cutting off the enemy's retreat by the river. The tug to be employed cruizing up and down the river, cutting off any boats that might attempt to escape, and communicating between the forces advancing from Chippawa and from Erie. I communicated this proposed change to Colonel Peacocke both by letter and telegraph, omitting however, I think, to mention the use proposed to be made of the tug.

The plan was merely a modification of that proposed by Colonel Dennis, who wished to move at once with the Volunteers without arranging a junction with Colonel Peacocke.

Before receiving any answer from Colonel Peacocke, I went off in the tug with Colonel Dennis, and the company of Artillery, leaving word with Colonel Booker to take care and obtain Colonel Peacocke's approval to the proposed change before acting on it, and explaining the plan previously determined on in case of Colonel Peacocke should desire him to adhere to it.

We arrived at Fort Erie about 5 A.M. Steamed along those, and past Frenchman's Creek, where we saw the enemy's camp apparently deserted. After carefully examining the shore from Erie to Black Creek, and seeing no sign of any armed force, we went ashore at Black Creek, and were informed that the enemy had broken up their camp during the night.

A party was seen by the inhabitants moving along the river in the direction of Chippawa, and the remainder to have turned inland at Black Creek.

As far as I could make out from the size and appearance of their camp, and from the reports of the people, their combined force could not have exceeded 700 or 800 men.

I then returned with Colonel Dennis by water to Fort Erie as appointed with Colonel Booker. That officer not having arrived, I became aware that Colonel Peacocke had acted on his original plan, but from the information I had gained was of opinion that he would not have more than 400 or 500 men to contend with. Colonel Dennis then landed the company of artillery, and I proceeded with it patrolling the road and heights between Fort Erie and Black Creek. Between thirty and forty prisoners were taken by the company or handed over by civilians and put on board the tug at Black Creek.

Seeing nothing more to be done at Fort Erie, I drove up to the railway station on the line to Colborne to ascertain whether telegraphic communication had been opened, and obtain what information I could.

This station is about half a mile from Erie and to the westward of the high road from Colborne, I had hardly entered the station when I heard a cry that troops were coming down the hill between myself and the town. I jumped into my conveyance and turned towards Erie to give the alarm to the company of Volunteers left there. Finding the approach to Erie cut off, and the enemy's skirmishers stealing round to surround me, I turned round and drove to the shore in the direction of Colborne, near Ridgeway I turned up towards the high road and passing the railway bridge found it on fire; I stopped and got some buckets from a neighbouring farm, and with the assistance of the driver managed to put out the fire. I then went on to the Garrison Road where I heard an account of the engagement with Colonel Booker's force, and of its retreat to Colborne. I found two wounded men at a roadside house, one of them I took into Colborne, the other was too badly hurt to move.

I arrived at Colborne between 6 and 7 in the evening. The force had been increased since the previous day, and now consisted of the 7th, with four companies of the 22nd Oxford, and the Dunnville company attached, two companies of Home Guard, the Caledonian company, and the Queen's Own, and 13th, in all about 1,400 men. The garrison was in the greatest state of confusion, and the troops that had been engaged in the morning considerably exhausted from want of rest and food. Many of the men had no ammunition, others but a few rounds. A comparatively small proportion had their pouches full, and there was no reserve to replenish them. No arrangements had been made for obtaining either provisions or ammunition, for securing the post from attack, or or further offensive operations.

I rendered what assistance I could to Colonel Booker, who appeared quite overcome with fatigue and anxiety. He begged me to undertake all necessary arrangements, and later in the evening requested me to take the command out of his hands. Finding this was also the wish of the other Volunteer officers of superior rank to myself, I telegraphed for instructions, and was desired by Colonel Lowry to take the command. I posted a line of outlying pickets at a radius of one mile from the town, extending from the shore to the Welland Canal, with strong supports in rear, and ordered the remainder of the troops to lie down and get what rest they could. I telegraphed in various directions for food and ammunition, and by 2 A.M. Sunday the 3rd had an ample supply of both.

About 1 o'clock the alarm was sounded, and officers and civilians rushed up informing me that the enemy was marching on us in force, and within 500 yards west of the town, where I had placed no pickets.

The alarm was entirely without foundation, but had the effect of depriving the troops of the few hours rest they might have had. All through the night reports were coming in of larges forces being landed on the shore between Colborne and Erie, also

entirely without foundation. I sent the tug-boat, however, still kept at our service by its owner Mr. Mc Collum, to watch the shore between Colborne and Erie, and called on some of the civilians to act as scouts, and keep me informed of any movements in the neighbourhood.

Réveille was sounded at 3, and I immediately made what arrangements I could for serving out rations and ammunition. Owing to the want of all brigade or regimental staff or organization, and the utter want of discipline that prevailed among the men, it was a long time before I could accomplish this, and get the men under arms and ready to move. The men having no haversacks could carry scarcely any food with them. I filled their pouches and their pockets with ammunition, and got them under arms and in the cars by 5 o'clock; sending a pilot-engine in front, I moved by rail towards Erie, taking the whole of the troops, except the 13th, whom I left to guard Fort Colborne. Hearing that the enemy were posted near Ridgeway, and finding a favourable position for forming up the troops (at B in sketch) on a road known as Skirk's Crossing, I disembarked the men, threw out a line of skirmishers with four supports from the 7th, with orders for the flank supports to wheel outwards and extend at once, in case of any sign of a flank attack. In this order, and with a strong rear guard, I advanced from B to the Garrison-road, and from thence towards Fort Erie. On coming to the scene of the previous day's engagement at C, I ascertained that the enemy had attempted to cross the river during the night, and that Erie was in possession of our troops.

After halting the men for about an hour at this spot, I marched them quietly in to Erie, where I reported myself to Colonel Lowry. On the following morning I was relieved from my command.

I have, &c.

The Commander of Royal Engineers in Canada.

(Signed) CHAS. S. AKERS, Captain, R.E.

Inclo. 13 in No. 6.

Inclosure 13 in No. 6.

Colonel Lowry to the Major of Brigade.

Sir, Fort Erie, Canada West, June 4, 1866, 6 P.M.

IN accordance with your orders I left Toronto per train at 2 P.M. on the 2nd instant with four field guns, &c., under command of Captain Crowe, R.A., and accompanied by Colonel Wolseley, A.Q.M.G., by Lieutenant Turner, R.E., by Lieutenant Dent, 47th, and by Colonel Cumberland, Provincial A.D.C. to the Governor-General and Managing Director of the Great Western Railway, who had kindly placed his services at my disposal. There were also two gentlemen, Mr. Clarke and Mr. Kingsmill, possessing considerable knowledge of the country through which we were to pass, attached to me by order of the Major-General, and Mr. Hunter, telegraphic operator.

On arrival at Oakville, I was joined by its company of Rifle Volunteers, fifty-two rank and file, under Captain Chisholm.

On arrival at Hamilton, I requiring information telegraphed to officer commanding at Port Colborne asking to know the state of affairs there, and requesting an answer to St. Catherine's.

At the Hamilton Station I learned that the detachment of the 60th Royal Rifles and 1/16 Regiments which had been at first ordered to join me there, had already proceeded by railway to re-inforce Colonel Peacocke, who, the Superintendent of the Great Western Railway said, had twice telegraphed for reinforcements.

Under these circumstances, and finding at St. Catherine's no answer from Port Colborne, and that difficulty and delay would be occasioned in getting the train from the Great Western Railway to the line of the Welland Railroad, I determined to proceed to Clifton, and thence to the support of Colonel Peacocke *en route* to Fort Erie.

I arrived at Clifton about 8 P.M., and was there a few hours after joined by Colonel Stephens with a Volunteer force to the number of 350, which had been dispatched by steamer from Toronto to Port Dalhousie to meet me at St. Catherine's.

At Clifton I received pressing telegrams urging me to proceed to assume command at Port Colborne, whence I also received urgent requests for rations and ammunition, reported exhausted.

Believing early arrival at Fort Erie to be most important, I dispatched all the rations and ammunition I could spare to Port Colborne.

I telegraphed to Colonel Peacocke to send Lieutenant-Colonel Villiers, if possible,

across the country to Port Colborne to command the Volunteers at that place, but soon finding that impossible, telegraphed to Captain Akers, R.E., to assume that duty, adding that I did not anticipate pressure at that point.

Having waited for the Erie Railway line to be clear of obstructions, I proceeded at 3·40 A.M. 3rd instant, to Black Creek, at which place I had telegraphed to officers commanding detachments of 60th Rifles and 1st battalion of 16th Regiment, if not in communication with Colonel Peacocke, to meet me at daybreak.

After some delay I was joined by 200 rank and file of the 60th, under Captain Travers, and by 140 rank and file of the 1st battalion 16th Regiment, under Captain Hogge.

As the railway line had not been previously open for transport, I awaited its examination by Major the Honourable J. H. Cameron, who had joined me at midnight at Clifton from some point in advance, and who proceeded with a locomotive engine for that purpose. On Major Cameron's report that the road was passable, I proceeded to a point about three miles north of Fort Erie, called Frenchman's Creek, said to be the nearest point to where the Fenians were reported skirmishing, and fast escaping across the river.

Here unloading the force from the railway cars, I advanced with some Volunteer companies, the detachments of the 1st battalion 16th Regiment and 60th Royal Rifles towards the Niagara River, throwing out an advanced guard and a few skirmishers in the woods on either flank. As soon as two field-guns could be got out, they were pressed to the front, but on opening on the river Colonel Wolseley, who had passed on horseback to the front, found we were too late, and that Fenian prisoners to the number apparently of some 500 or 700, were in a large barge made fast astern of the United States' war steamer "Michigan," lying in the centre of the stream.

I reached Fort Erie at about 8·15 A.M., and found that the whole village had been abandoned.

Soon afterwards I was joined by the force under Colonel Peacocke, who had come up through the woods to the right, bringing in some prisoners.

The whole force was now hurriedly placed in position on the rising ground at the rear of the long village of Erie, and shortly afterwards a small steamer having been sent from the United States' ship "Michigan" with a proposal that I should communicate with its Commander and Her Britannic Majesty's Consul then with him, accompanied by Colonel Wolseley, Captain Crowe, R.A., and Lieutenant Turner, R.E., I proceeded on board, and had an interview with Captain Bryson, United States' Navy, M. Dant, United States' District Attorney, and Mr. H. W. Hemans, Her Majesty's Consul at Buffalo, and subsequently with General Barry, commanding United States' troops in the Erie and Ontario districts of the State of New York.

These officers, in expressing their reprehension of the infraction of international law, said that nothing in their power had been or would be neglected to arrest such infraction; that such were their orders; and that they had prevented many reinforcements from getting across to the British territory on the two previous nights.

In the course of the afternoon Captain Akers, R.E., with a Volunteer force of about 1,000 men, arrived from Port Colborne, making the number of my command about 3,000 of all arms.

In compliance with telegraphic orders I despatched to Kingston at 7 P.M. the troops as per margin,* sending twenty-two Fenian prisoners by the same train under escort of the 47th Regiment.

Further telegraphic orders directed me to send forward to London without delay, the detachment of the 60th Royal Rifles, the London Companies of the 1st battalion 16th Regiment, and the London Volunteers.

In consequence of the difficulty of procuring the necessary railway transport, that order could not be carried out till 10·30 to-day, when about 800 men were forwarded by Great Western Railway viâ Clifton to Hamilton.

Any delays in transport of troops, so far as relates to the service of the Great Western Railway have arisen chiefly from the fact that on the Erie and Ontario Railway (being but a single line of track, &c., with sidings still incomplete), there were no means of shunting or of passing trains; whilst that part of the line approaching Fort Erie is still in a very unfinished and unserviceable state. It was impossible, therefore, even with the most prompt assistance afforded by Mr. Swynyard, the manager, and all the subordinate officials of the Great Western Railway, to secure the desired rapidity of movement.

From the Grand Trunk Railway I have received no communication or practical assistance, and have as yet been unable to find any person in local authority.

* Captain Crowe's Field Battery, 4 guns, and 200 men of the 47th Regiment, under Major Lodder.

The weather during the last few days has been uninterruptedly fine.

The force at present encamped here is a little over 2,000 men, and considering the nature of the emergency, and of the place itself, the troops are pretty well supplied.

I telegraphed to Colonel Dennis (with 450 men) to halt at Suspension Bridge. One company of Volunteers is at Chippawa, and more than 250 men are at Port Colborne, under Major Skinner.

In concluding my report of the last forty-eight hours, a report which should, but for the nature of the duties and the pressure of telegraphic communication, have been submitted before, I have the honour to state the following:—

That I have received greater benefit than I can well express from Colonel Wolseley's indefatigable energy, judgment, and promptitude of resource.

That Lieutenant Turner, R.E., has proved the greatest assistance to me night and day, working with a thorough spirit and most wise forethought.

That Colonel Cumberland, Aide-de-camp, has spared no trouble or exertions to give me information, and to render valuable assistance in every way, in matters connected with railway transit; his knowledge has proved specially useful.

The untiring nature of the exertions made by the Honourable J. Hillyard Cameron, M.P.P., also deserves cordial acknowledgment.

Officers and men, whether of the Regulars or Volunteer service, did all in their power to reach and re-occupy Fort Erie at the earliest moment, and to arrest the flight which had been almost completed before our arrival.

All appears quiet at present on this frontier.

I find that I have forgotten to state that General Barry, United States' army, offered to furnish me with the earliest notice of any intended movement of importance which might come to his knowledge among Fenians in the States.

Captain Bryson, Commander of the United States' war-steamer "Michigan," apprised me that he had telegraphed to Washington for instructions as to the disposal of his 700 prisoners.

I replied that that was a matter for settlement by our respective Governments.

(Signed) R. W. LOWRY, Colonel,
Commanding Field Force on Niagara Frontier.

The Major of Brigade.

Inclosure 14 in No. 6. Inclo. 14 in No.

Lieutenant-General Sir J. MICHEL to the SECRETARY OF STATE FOR WAR.

MY LORD, Montreal, June 11, 1866.

I HAVE the honour to report that, by the latest accounts, bodies of Fenians are still assembled at Malone and at Buffalo, but watched by United States' officers and troops.

No further landing has, however, taken place in Canada West, and there has been no attempt on the line of the St. Lawrence.

A body of Fenians having crossed the border at St. Allan's, into Missisquoi county, C.E. I ordered Colonel Ebrington, commanding at St. John's, to drive it out and to post his troops so as to prevent its return.

I have not received the report of his movements, but he has informed me that, as far as he can learn, there are now no Fenians in his front between St. Armand and Frelighsburg, at which points, and at Pigeon Hill he has posted troops.

Sixteen (16) prisoners have been sent into Montreal and handed over to the Civil power.

Colonel Ebrington further reports that he has no information of the number of Fenians in his front on the United States side of the frontier, and that a party of Volunteer Cavalry returned from a patrol at 1.30 P.M. yesterday, and reported the country all clear.

In reference to the whole subject, I may remark that the United States Government is now acting all along the frontier most decisively, by the seizure of vast quantities of arms, by arresting leaders, by transporting to their homes bodies of Fenians, and by preventing trains laden with Fenians arriving at their destinations.

This, combined with the appearance of the prisoners taken, and their only half-armed condition, makes me believe that in a few days the danger of even small raids will have passed away.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General.

The Secretary of State for War.

No. 7.

No. 7.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Ottawa, June 14, 1866.

(No. 54.)
(Received June 27, 1866.)

SIR,

(Answered, No. 69, June 29, 1866, page 78.)

I HAVE the honour to transmit, for your information, copies in paraphrase of a telegram in cypher received by me from Sir F. Bruce on the 12th instant, and of my answer to him; also copy of a telegram which I dispatched to Sir John Michel immediately on the receipt of Sir F. Bruce's message.

With reference to the portion of Mr. Seward's note to Sir F. Bruce, which alleges that British troops entered unwarrantably on the soil of the United States, I have the honour to transmit copies of reports from the officers whose names are noted in the margin,* which negative, as far as these officers are concerned, the reports made on this subject to Major-General Meade.

You will observe from Lieutenant-Colonel Earle's letter that further reports have been called for; and when I receive them I shall not fail to transmit copies to you.

I have already sent copies of these reports to Sir Frederick Bruce.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Inclo. 1 in No. 7.

Inclosure 1 in No. 7.

PARAPHRASE of a Telegraphic Message in cypher received from Sir F. BRUCE at 2 o'clock A.M., June 12, 1866.

I HAVE received a letter from Mr. Seward couched in the following terms:—

"I am directed by the President to inform you that, according to statements which have been made to the General commanding the United States' troops on the frontier, the United States' territory has been entered by British soldiers in pursuit of the Fenians under Spear; that prisoners were captured in the State of Vermont, and that threats have been made by persons in the British service that the fugitives so taken, as well as Fenians made prisoners in Canada, would be summarily put to death without any forms of law. Though it is probable that these reports may not prove to be accurately true, the Government of the United States will be much disturbed if measures of needless rigour, not justified by existing laws, are taken against Fenian criminals; and the President desires me to say that he earnestly trusts that such persons will only be proceeded against in due course of law, and he even hopes that they will be treated with signal moderation. The United States' Government believe that the United States and Congress will agree completely with the sentiments which I have expressed."

I shall be much obliged to you if you will allow no proceedings to be taken against the Fenian prisoners until you hear from me.

(Signed) F. BRUCE.

Inclo. 2 in No. 7.

Inclosure 2 in No. 7.

PARAPHRASE of Answer.

IF British troops have violated the territory of the United States, they have done so against strict orders, and I much regret it. Any prisoners proved to be taken by them on the territory of the Republic shall be liberated at once.

The civil power holds all persons captured up to this time, and the wishes of the United States' Government cannot be permitted to interfere with the administration of justice in this Province.

That Government is entitled to my thanks, which I beg you will convey to them for vigorously and faithfully putting their laws in force against the Fenians after the invasion of Canada had actually taken place.

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* Captain Bunbury, 1st Battalion Rifle Brigade; Lieutenant Money, R. C. Rifles.

Inclosure 3 in No. 7. Inclo. 3 in No. 7.

TELEGRAM to Lieutenant-General Sir J. MICHEL.

IT is reported to me from Washington that some of our troops have entered the territory of the United States at the quarter where Spear commanded the Fenians, and taken prisoners there. Please have this inquired into, and let me know the result. The disturbances are officially reported at an end by the authorities of the United States. I think the troops may be withdrawn to points well on our side of the border.

(Signed) MONCK.

Inclosure 4 in No. 7. Inclo. 4 in No. 7.

Lieutenant MONEY to Major-General LINDSAY.

SIR, Montreal, June 12, 1866.

I HAVE the honour to report, for the information of the Lieutenant-General commanding the forces in Canada, that, on Saturday the 9th June last, I accompanied the troop of mounted Guides, under command of Captain McDougall, which passed down the road leading from St. Armand Centre (or Cook's Corner) to the lines. We were fired at by a party of Fenians when about 300 yards from the lines; the men who fired at us immediately throwing their arms away and running down the road to the point where the United States' troops, under command of Lieutenant-Colonel Livingstone, were drawn up in line, so as completely to block the road.

We could easily have shot every one of these men down before they reached the lines, but our shots, had we fired, must have passed on and struck the United States' troops, who were directly in our front; we were only able, therefore, to overtake one man of the whole party; this man was taken fully fifty yards from the place where Colonel Livingstone's men were stationed.

I had had the pleasure of meeting Colonel Livingstone before, I therefore rode up and shook hands with him; whilst talking to him I saw that a party of the Rifle Brigade were advancing along a small bye-road, which would bring them in rear of the United States' troops. I called Colonel Livingstone's attention to this fact and then galloped on, by his permission, to stop them. They had not then crossed the line. Finding that they had orders to go round by this road, I requested the officer commanding to halt his men until I could obtain permission from Colonel Livingstone for them to pass; this he at once and most readily accorded, ordering his men to fall back to either side of the road, so as to leave a free passage for our men.

I introduced Captain Bunbury, who was commanding the sub-division of the Rifle Brigade which was then passing to our own side of the lines, to Lieutenant-Colonel Livingstone; after doing this, and speaking to Colonel Livingstone for a few moments, I rode after our men, who were then entering the bush on our side of the lines in skirmishing order.

I have, &c.

(Signed) ALBERT W. MONEY, Lieutenant,
Royal Canadian Rifles.

The Major-General Commanding
2nd Military District, Montreal.

Lieutenant Money positively asserts no prisoners, to his knowledge were captured in United States' territory.

(Signed) JAS. LINDSAY, Major-General.

Inclosure 5 in No. 7. Inclo. 5 in No. 8.

Captain BUNBURY to the Major-General Commanding the 2nd Military District, Canada East.

SIR, Montreal, June 12, 1866.

I HAVE the honour to report, for the information of the Lieutenant-General commanding, that on the 9th June, 1866, I was ordered by Major Nixon, Rifle Brigade, commanding force detailed to attack Fenian encampment, to proceed with the Royal Guides and a sub-division of the 4th Battalion Rifle Brigade, to cover the right of the line proceeding from the United States' frontier towards Cook's Corner. There being a

deep brook immediately in my front, Lieutenant Money, Royal Canadian Rifles, who was with me, rode forward and asked Colonel Livingstone, commanding United States' troops along that part of the frontier, to allow my detachment to cross over the bridge, by doing which we were supposed to pass through the United States' territory. Colonel Livingstone having given leave, I rode forward to see him, so as to be perfectly certain; he said I was at perfect liberty to pass; indeed, he said he was not certain it was United States' territory. After this I thought I was justified in crossing.

On Sunday, the 10th instant, I heard that a St. Albans' newspaper had stated that a regiment of British regulars had violated the United States' territory. I went to Colonel Livingstone that same day and told him. He said he would write to General Meade, commanding United States' troops on the frontier, to inform him that it was with his permission that a detachment had crossed.

The detachment that crossed is as per margin.*

I have, &c.

(Signed) C. J. BUNBURY,
1st Battalion Rifle Brigade.

To the Major-General Commanding
2nd Military District, Canada East.

Captain Bunbury states that no prisoners were taken in United States' territory by the party with whom he acted.

(Signed) JAS. LINDSAY, Major-General.

No. 8.

No. 8.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

Government House, Ottawa, June 14, 1866.

(No. 55.) (Received July 2, 1866.)

SIR, (Answered, No. 7, July 11, 1866, page 79.)

I HAVE had the satisfaction, in other communications, to report to you the excellent spirit evinced by the resident population of Canada in connection with the late Fenian attack on the Province.

There has been in addition an exhibition of patriotism and devotion on the part of Canadians who happened to be domiciled, at the time of the disturbance, outside of the Province, which deserves, I think, special mention and praise.

Immediately after the news of the invasion of the Province reached Chicago, sixty young Canadians, who were resident there engaged in various employments, gave up their situations and repaired by railroad to Canada, to give their aid in defending the land of their birth.

These young men have been formed into a Volunteer company, and are now doing duty at Toronto.

I had also a communication from Her Majesty's Consul at New York, to the effect that a large number of Canadians, resident there, were prepared to abandon their occupations and come to assist in the repulse of the invaders of Canada, if I considered their services necessary.

I informed Mr. Archibald, by telegraph, that I did not require their aid, but begged him to express to them my gratitude for this exhibition of their loyalty.

Such conduct speaks for itself, and I would not weaken the effect of the bare relation of the facts by any attempt at eulogy on my part.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) MONCK.
&c. &c. &c.

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* Captain Bunbury, 1st Battalion Rifle Brigade; Lieutenant Smith, 4th Battalion, ditto; Lieutenant Money, Royal Canadian Rifles; about 12 men of 4th Battalion Rifle Brigade; 2 Royal Guides. Total, 17.

No. 9. No. 9.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. Edward Cardwell, M.P.

(No. 59.) Government House, Ottawa, June 18, 1866.

Sir, (Received July 2, 1866.)

I HAVE the honour to transmit for your information, copies of letters which have passed between myself and Mr. Potter, Consul-General of the United States at Montreal, respecting the case of a person named Kelly, representing himself as a correspondent of the "New York Tribune," who was captured by our troops during the late Fenian raid, in the neighbourhood of Philipsburg, Canada East. I have also the honour to inform you that Kelly has been released from custody, his story having on investigation, proved to be true.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c. (Signed) MONCK.

Inclosure 1 in No. 9. Inclo. 1 in No. 9.

Viscount Monck to Sir F. Bruce.

Sir, Ottawa, June 16, 1866.

I HAVE the honour to transmit for your information, copies of two letters* which I have received from Mr. Potter, Consul-General of the United States in this Province, together with copies of the answers which I directed to be sent to him relative to the case of one Joseph Kelly, who was taken prisoner in company with a number of Fenians near Philipsburg, in Canada East, some days ago.

I have, &c.

His Excellency the Hon. Sir F. Bruce, G.C.B., &c. &c. &c. (Signed) MONCK.

P.S.—The following telegram was also sent to Mr. Potter :—

"June 14th.

"Colonel Ermatinger has been desired to enquire into the case of Mr. Kelly. Please lay any information you may have before him."

Inclosure 2 in No. 9. Inclo. 2 in No. 9.

Mr. Potter to Viscount Monck.

United States' Consulate-General British North American Provinces,

Sir, Montreal, June, 13, 1866.

IT is my duty to inform you, that among the prisoners brought to this city on Monday, the 10th instant, and now lodged in the gaol here, charged with having invaded the Province of Canada with hostile designs, is Mr. Joseph Kelly, a citizen of the United States, who was arbitrarily arrested at a place called Hancocks Hill, near the frontier in Canada East, by one Reynolds and two other persons, whose names are unknown, while engaged in his lawful business.

Mr. Kelly was both previous to, and at the time of his arrest, a reporter and correspondent for the "New York Tribune," a newspaper printed and published in the city of New York, in the United States. He came into Canada, not only without any hostile designs, but in the lawful discharge of his professional duties, as a reporter of the press.

I received a few hours since, a despatch from John Russell Young, Esq., the managing editor of the "Tribune," in which I am informed of these facts, and which are fully corroborated by other testimony in my possession.

Mr. Kelly was when taken, unarmed, and I am credibly informed that there is no evidence in the possession of the authorities of this Government, showing the slightest complicity on his part, in the attempted invasion, or any other breach of the laws of this

* Mr. Potter to the Governor-General, Montreal, June 13, 1866; Mr. Godley to Mr. Potter, Ottawa, June 14, 1866; Mr. Potter to the Governor-General, Montreal, June 15, 1866; Mr. Godley to Mr. Potter, Ottawa, June 16, 1866.

Province. On the other hand, Mr. Kelly is ready to prove, and show most conclusively, the peaceful character of the business which induced him to come into the Province.

On learning of the facts in Mr. Kelly's case, I immediately called upon the committing Magistrate, but not finding him either at his place of business or at his residence, I proceeded to the gaol for the purpose of obtaining an interview with the prisoner, but was informed by the gaoler, that strict orders had been given him to admit no one without a permit. Receiving such permit this morning, I had an interview with Mr. Kelly, who made a written statement, sworn to before me, embodying the facts as above-mentioned. He further informed me, that he was not allowed the privilege of purchasing for his use, the necessary food which his wants require at the present time.

Under these circumstances, Mr. Kelly, as a citizen of the United States, has a right to demand and does demand, either his immediate release from arrest or an immediate examination, when he shall have an opportunity to prove his innocence.

I therefore request, on behalf of my Government, that his demand be complied with without any unnecessary delay.

I have, &c.
(Signed) JOHN F. POTTER,
United States' Consul-General, British North American Provinces.

His Excellency Viscount Monck,
&c. &c. &c.

Inclo. 3 in No. 9.

Inclosure 3 in No. 9.

Mr. GODLEY to Mr. POTTER.

SIR, Governor's Secretary's Office, Ottawa, June 14, 1866.

I AM directed by the Governor-General to acknowledge the receipt of your letter of the 13th instant, respecting Mr. Joseph Kelly, a citizen of the United States, who, you state, was arbitrarily arrested near the frontier while engaged in his lawful business.

His Excellency has ordered inquiries to be made into his case, and desires me to inform you that, if it turns out that Mr. Kelly was not guilty of any acts of hostility, he shall be set at liberty.

His Excellency would deeply regret should any peaceful citizen of the United States be subjected to inconvenience or hardship; but the possibility of such an occurrence is one of the inevitable incidents of an attack on Her Majesty's dominions by an armed force organized upon and issuing from the territory of the United States. If Mr. Kelly crossed the frontier with such a force, and was found on British territory in their company, he can scarcely have a right to complain if *primâ facie* he was adjudged to belong to them.

I have, &c.
(Signed) DENIS GODLEY.

John F. Potter, Esq.,
&c. &c. &c.

Inclo. 4 in No. 9.

Inclosure 4 in No. 9.

Mr. POTTER to Viscount MONCK.

United States' Consulate-General, British North American Provinces,
SIR, Montreal, June 15, 1866.

I HAVE the honour to acknowledge the receipt on the afternoon of yesterday of your Excellency's telegram in reply to my despatch of the 13th instant, in which you inform me that "Colonel Ermatinger has been desired to inquire into the case of Mr. Kelly," and requesting me to lay before him any information which I may have.

On receiving the telegram, I immediately addressed a note to Colonel Ermatinger, asking him to inform me at the earliest possible moment when and where I might have an interview with him for the purpose mentioned.

I was informed that Mr. Schiller, the Assistant-Clerk of the Crown, to whom the note was delivered, and who was made acquainted with its contents, said that Colonel Ermatinger was not in town, but would return in the course of a week. Mr. Schiller was informed that the matter admitted of no such delay, upon which he promised that the note should be dispatched to Colonel Ermatinger, saying that he would receive it this morning. I had waited patiently until this evening, hearing nothing further either from

Mr. Schiller or Colonel Ermatinger. I have now learnt, by a telegram received an hour since from Mr. Kelly, the prisoner, that he is now in custody of the Provincial authorities at Philipsburg, C.E.

As he was in the jail here last evening, he has, of course, been removed by the orders of the Canadian Government either during the night or this morning. I have received no notice whatever of his removal or of the intention of the authorities here of his removal.

Mr. Schiller, the Assistant-Clerk of the Crown, was aware of the nature of the reply which your Excellency made to my despatch. He was also aware that I had in behalf of my Government demanded the release of Kelly as a citizen of the United States, or an immediate examination.

I informed your Excellency in my despatch of the 13th instant that I had evidence of Kelly's entire innocence. Notwithstanding this, he has been removed, without any intimation to me, to a remote place, and out of my protection; thus changing entirely the position of the prisoner with reference to myself from what it was when the demand was made.

This act of the authorities having the custody of Kelly I regard as a violation of his rights as an American citizen, and as manifesting a contemptuous disregard of the demand made for Kelly by the Government of the United States. I shall, therefore, refer the whole matter, with all the facts connected with it, to the Government at Washington.

In the meantime, unless some satisfactory explanation shall be made without unnecessary delay, of the course pursued, and unless I shall receive further instructions from my Government to the contrary, I shall deem it my duty to close this Consulate-General for all business except with American citizens who may be in Canada.

I have, &c.

(Signed) JNO. F. POTTER,
United States' Consul-General, British North American Provinces.

His Excellency Viscount Monck,
&c. &c. &c.

Inclosure 5 in No. 9.

Inclo. 5 in No. 9.

Mr. GODLEY to Mr. POTTER.

SIR, Governor's Secretary's Office, Ottawa, June 16, 1866.

I AM directed by the Governor-General to acknowledge the receipt of your letter of the 15th instant relative to the case of Mr. Kelly. I have the honour to inform you in reply that the removal of Mr. Kelly to Philipsburg was the act of the Magistrates charged with the investigation of the charge against him: that he was removed in common with the other prisoners because it was found impossible to obtain the attendance of the necessary witnesses at Montreal. That the Attorney-General has had to-day a letter from the Magistrate charged with the investigation to this effect:—"Kelly's case will be investigated carefully at once. The evidence touching him appears to be conflicting. It does not seem improbable that he was acting in a double capacity."

I have, &c.

John F. Potter, Esq., (Signed) DENIS GODLEY, Secretary.
United States' Consul-General, Montreal.

No. 10.

No. 10.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 64.) Government House, Ottawa, June 21, 1866.

SIR, (Received July 3, 1866.)

I HAVE the honour to report that the bands of Fenian conspirators who were lately assembled on the United States' side of the frontier line for the avowed purpose of invading this Province have dispersed and returned to their homes.

I am bound at the same time to state that this comparatively bloodless termination of an enterprize, which might have resulted in much loss of life and destruction of property,

is mainly due to the energetic proceedings of the Government of the United States, for the purpose of securing on the part of the citizens of that country a proper observance of their international obligations and their own municipal law.

I have already in more than one communication noticed with approbation the spirit evinced by the people of this Province in the instantaneous and enthusiastic response which they made to my call to arms.

The experience of the last few months has satisfied me that as regards infantry, the local force of the Province, together with the ordinary garrison of regular troops, assisted by gun-boats on the river and lakes, is sufficient to protect the country from any force which the Fenians can bring to bear on us.

I mean, however, to act on the permission given to me by Her Majesty's Government to retain at all events for a few months, the two regiments which in the ordinary course of relief would leave the Province at this season.

I desire also to bring before your notice the advisability of strengthening the force of Royal Artillery stationed in the Province, by three or four additional batteries.

This is the arm of the service in which it is most difficult for volunteers to acquire proficiency, and it is also that in which our Fenian enemy is entirely deficient, and the possession of which would give us a preponderating advantage whenever we meet him.

I am also of opinion that a supply of Armstrong guns, both field and of position, should be sent to the Province, but on this branch of the subject and the general question of stores I mean to avail myself of another opportunity of addressing you when I shall have obtained from the military authorities a return, which I have asked for, of the amount of war material now in store in the Province.

Without venturing to give an opinion as to the probability that the Fenian invasion will be renewed, it would be unwise to disregard the continued allegations of the leaders of the movement that such will be the case, and it becomes those who are responsible for the safety of the Province to make their arrangements accordingly.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

No. 11

No. 11.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. Edward Cardwell, M.P.

(No. 65.) Government House, Ottawa, June 21, 1866.

Sir, (Received July 3, 1866.)

I HAVE the honour to inclose herewith a copy of a despatch from Lieutenant-General Sir John Michel, to the Secretary of State for War, a copy of which the General transmitted to me.

I have, &c.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

(Signed) MONCK.

Inclo. in No. 11.

Inclosure in No. 11.

Lieutenant-General Sir J. Michel to the Secretary of State for War.

My Lord, Montreal, June 15, 1866.

REFERRING to my despatch of the 11th instant, I have the honour to state that Colonel Ebrington's force was advanced from St. John's to St. Armand on the 9th instant.

A detachment of 30 Volunteer Cavalry, two field-guns of the Royal Artillery, 350 Regulars, and 100 Volunteers, under Major Nixon, Rifle Brigade, was immediately sent to Pigeon Hill, where the Fenians had been encamped, to Cook's Corner and Frelighsburg.

The roads and country towards the frontier were then examined, and sixteen stragglers picked up.

On arriving at the line a body of United States' troops was found drawn up across the road. The officer in command of them stated that 1,500 Fenians had re-crossed the border during the day.

I have nothing further to report.

The Volunteers and Regulars remain at present in their advanced position. They will be withdrawn when his Excellency the Governor-General shall state that the political aspect of affairs no longer requires their presence on the frontier.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General,
Commanding in British North America.

The Secretary of State for War.

No. 12. No. 12.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. Edward Cardwell, M.P.

(No. 70.) Government House, Ottawa, June 28, 1866.

Sir, (Received July 10, 1866.)

REFERRING to my despatch No. 54* of the 14th instant, I have the honour to transmit a copy of a letter from Lieutenant-Colonel Earle, inclosing Reports from the military officers named in the margin,† in regard to their proceedings on the frontier on the 9th and 10th instant. * Page 24.

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) MONCK.
&c. &c. &c.

Inclosure 1 in No. 12. Inclo. 1 in No. 12.

Lieutenant-Colonel Earle to the Military Secretary.

Sir, Military Secretary's Office, Montreal, June 20, 1866.

REFERRING to my letter of the 12th instant, I am directed to inclose further explanations contained in communications from Major Nixon, of the Rifle Brigade, Captain Hallowes, 25th Regiment, and Captain McDougall, commanding the Royal Guides, in regard to their proceedings at St. Armand on the 9th and 10th instant.

I have, &c.

(Signed) WM. EARLE, M. S.

Lieutenant-Colonel the Hon. R. Monck,
Military Secretary, Ottawa.

Inclosure 2 in No. 12. Inclo. 2 in No. 12.

Major Nixon to Colonel Ebrington.

Sir, St. Armand, June 13, 1866.

IN reply to your letter from the Acting Brigade Major at Montreal, of the 12th instant, demanding information respecting the crossing of the frontier into the United States by some of the troops under my command on the 9th instant, I have the honour to state that, when I reached the road running eastwards from the road leading to Franklin from Pigeon's Hill to that from Eccless Corner to Cook's Corner, and which enters the United States about 100 yards to the westwards of Eccless Corner, I proceeded along it with my skirmishers to a spot about 50 yards on the Canadian side of where it crosses the lines, where I halted, and requested, through Lieutenant Money, R.C.R., permission from the officer commanding the United States' troops at Eccless Corner

† Lieutenant-Colonel Earle to Colonel Monck, June 20, 1866; Major Nixon; Captain Hallowes; Captain Mc Dougall.

(sometimes called Rullick's Settlement) to march some troops by the road crossing the lines to its junction with the road leading to Cook's Corner, a distance of about 150 yards altogether from its entry to its exit from the American frontier, and passing at the furthest point not deeper than 60 yards into the States. This request was immediately granted by Colonel Livingstone, on which I sent one sub-division of the 4th Battalion Rifle Brigade (thirteen files), under Lieutenant Smith, two troopers of the Royal Guides, who had been acting as orderlies, Captain Bunbury, of the 1st Battalion Rifle Brigade, and my horse, as I had to dismount to go through the bush.

Lieutenant Smith's sub-division was regularly marched in fours, and called to "Attention," with shouldered arms, when passing the United States' troops.

I requested this permission to cross the frontier as there was a stream to my front—north—running between high rocks, and which could not possibly be crossed by the Royal Guides above-mentioned, my own nor Captain Bunbury's horses, and by Infantry only at one spot, without making a long détour, on a small beam part of the framework of a ruined mill, and would have caused great delay to Lieutenant Smith's sub-division, which I was anxious to send as quickly as possible to join the Royal Guides under Captain McDougall, who was about to return to Cook's Corner. I then advanced northwards through the woods, the American frontier behind us.

No shots were fired by our troops until we were at least a quarter of a mile from the lines, and facing from there, nor were any prisoners taken near the border, except one by the Royal Guides when advancing to Eccless Corner, where they were fired on by two Fenians, one of whom they made a prisoner on the Canadian side of the lines; the other escaped by crossing the border, over which he was not pursued.

Not a single soldier crossed the frontier except those I have already mentioned as having done so by permission of Colonel Livingstone, United States' Army, as I was most careful in keeping the men well on our side of the lines, which I was able to do, as a farmer named Lowel, who is thoroughly acquainted with the country, and knew the frontier-line well, and who had two days previously been into the Fenian camp, accompanied me as guide.

I have, &c.
(Signed) H. J. NIXON, Major,
4th Battalion P. C. O. Rifle Brigade.

Colonel Ebrington, Rifle Brigade,
Commanding St. Armand, Canada East.

Inclo. 3 in No. 12.

Inclosure 3 in No. 12.

Captain HALLOWES to Colonel EBRINGTON.

SIR, St. Armand, June 14, 1866.

IN accordance with your orders contained in the Memorandum received this day, I have the honour to report that, after skirmishing through the woods at and about Cook's Corner, I collected my men and marched them through a road dividing the bush until I reached the open ground, where, finding myself close to the lines, I sent an officer in advance to the American guard and obtained permission to march my party through and along the main road as far as the turning to the nearest direction for Pigeon Hill, where I expected to rejoin Major Nixon. I beg to add that I did not attack any Fenians, or take any prisoners, on the American side of the frontier line.

I have, &c.
(Signed) G. S. HALLOWES, Captain,
25th King's Own Borderers, Commanding Detachment.

The Officer Commanding the Troops,
St. Armand.

Inclosure 4 in No. 12. Inclo. 4 in No. 12.

Captain Mc Dougall to the Brigade-Major.

Sir, Camp, St. Armand, June 14, 1866.

I HAVE the honour to report that (referring to your Memorandum of this date) no officer or non-commissioned officer of the guides passed the boundary-line of the United States upon Saturday last.

Secondly, that I have examined Corporal Drummond, who was in command of the picket on Sunday, and states as follows:—

"I advanced along the road for 200 yards (with four men) beyond the boundary-line, of the exact position of which I was ignorant till, on my return to the main body of the picket, I was informed of it by seeing an iron post upon the road side.

"So far from having taken a prisoner or prisoners upon the United States' side of the line, I can positively state that we did not see a living soul there."

I have, &c.

(Signed) D. L. Mc DOUGALL, Captain,
Commanding Royal Guides.

Captain Healey,
Major of Brigade,
&c. &c. &c.

No. 13. No. 13.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 87.) Government House, Ottawa, July 21, 1866.

My Lord, (Received August 6, 1866.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th instant,* in reference to the Act passed on the first day of the present session of the Canadian Parliament, which extends to Lower Canada the law already in operation for many years in Upper Canada, authorizing the trial by Militia Court-martial of persons, whether foreigners or subjects of Her Majesty, who may be found within this Province in arms against the Queen's forces. * Page 79.

In the opinion which your Lordship expresses that recourse should not be had to any extraordinary tribunal for the trial of the Fenian prisoners now in the hands of the Government of this Province, I most entirely concur, and the invasion of the Province, which occurred in the beginning of the month of June, speedily proved so complete a failure that it soon became apparent, both to myself and my advisers, that the ordinary tribunals would be able to deal with the subject.

When this Act, however, was passed, large bodies of Fenians were threatening more than one point on the frontier, and it was considered advisable to be prepared in case of necessity, with legal means for bringing prisoners summarily to trial.

I desire to draw your Lordship's attention to the third clause of the Bill, which makes this offence felony, and confers on the ordinary tribunals of the Province the power of trying foreigners for it. A Bill is now before Parliament extending the provision to subjects of the Queen, which I have no doubt will shortly become law.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

No. 14.

No. 14.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. the Earl of CARNARVON.

Government House, Ottawa, August 15, 1866.

(No. 112.) (Received August 29, 1866.)

MY LORD, (Answered, No. 53, September 13, 1866, page 81.)

* Page 33. REFERRING to the concluding paragraph of my despatch No. 87 of the 21st July,* relative to the Act for the trial of persons engaged in lawless aggressions from foreign countries on this Province, I have the honour to inclose copies of two Acts passed by the Legislative Council and Assembly, to which I have this day given the Royal Assent, viz. :—

"An Act to amend the Act of the present Session, intituled 'An Act to protect the Inhabitants of Lower Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.'"

"An Act to amend the ninety-eighth Chapter of the Consolidated Statutes of Upper Canada."

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

Inclo. 1 in No. 14.

Inclosure 1 in No. 14.

(No. 3197.)

AN ACT to amend the Act of the present Session, intituled "An Act to protect the Inhabitants of LOWER CANADA against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty."

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

I. The third section of the Act passed in the present session of the Parliament of this Province, and intituled "An Act to protect the Inhabitants of Lower Canada against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty," is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the third section of the said Act :—

"III. Every subject of Her Majesty, and every citizen or subject of any foreign State or country, who has at any time heretofore offended, or may at any time hereafter offend, against the provisions of this Act, is and shall be held to be guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried before the Court of Queen's Bench, in the exercise of its criminal jurisdiction in and for any district in Lower Canada, in the same manner as if the offence had been committed such district, and upon conviction shall suffer death as a felon."

Inclo. 2 in No. 14.

Inclosure 2 in No. 14.

(No. 3198.)

AN ACT to amend the Ninety-eighth Chapter of the Consolidated Statutes for UPPER CANADA.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

I. The third section of the ninety-eighth chapter of the Consolidated Statutes for Upper Canada, intituled "An Act to protect the Inhabitants of Upper Canada against

Lawless Aggressions from the Subjects of Foreign Countries at peace with Her Majesty," is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the third section of the said Act:—

"III. Every subject of Her Majesty, and every citizen or subject of any foreign State or country, who has at any time heretofore offended, or may at any time hereafter offend, against the provisions of this Act, is and shall be held to be guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried before any Court of Oyer and Terminer and General Gaol Delivery, in and for any county in Upper Canada, in the same manner as if the offence had been committed in such county, and upon conviction shall suffer death as a felon."

II. In case any person shall be prosecuted and tried under the provisions of the next preceding section and found guilty, it shall and may be lawful for the Court before which such trial shall have taken place, to pass sentence of death upon such person, to take effect at such time as the Court may direct, notwithstanding the provisions of an Act of the Consolidated Statutes for Upper Canada, intituled "An Act respecting new Trials and Appeals and Writs of Error in Criminal Cases in Upper Canada."

No. 15.

No. 15.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Earl of Carnarvon.

(No. 154.) Quebec, October 6, 1866.

My Lord, (Received October 24, 1866.)

WITH reference to your Lordship's despatch No. 53* of the 13th September, on the subject of the Acts intituled respectively "An Act to amend an Act of the present session intituled an Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty," and "An Act to amend the 98th chapter of the Consolidated Statutes of Upper Canada," recently passed by the Provincial Parliament of Canada, I have the honour to transmit to your Lordship a copy of the report made thereon, by my direction, by the Law Officers of the Crown in this Province.

* Page 81.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) MONCK.

Inclosure in No. 15.

Inclo. in No. 15.

Report of the Law Officers of the Crown.

THE Undersigned have had under their consideration the despatch from the Colonial Secretary, dated 13th September last, on the subject of two Acts passed by the Parliament of Canada, intituled respectively "An Act to amend an Act of the present session intituled an Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty," and "An Act to amend the 98th chapter of the Consolidated Statutes of Upper Canada."

In this despatch Lord Carnarvon objects to the Acts on the ground of their retrospective operation, and he states that under the law as it now stands a man might apparently be punished as a felon for an act which was not a felony when it was committed.

The Undersigned have now, in obedience to your Lordship's commands, the honour to report as follows:—

And first with regard to the Act to amend the 98th chapter of the Consolidated Statutes of Upper Canada. In 1838, and before the union of the provinces, the Parliament of Upper Canada passed the temporary Act known as 1st Vict., cap. 3. This Act was repealed, but re-enacted with some amendments and made permanent by 3rd Vict., cap. 12.

In 1859 the whole of the statutory law of Upper Canada was consolidated, and the Act 22 Vict., cap. 98, forms a portion of that consolidation. By the 8th section of the

1st chapter of those Consolidated Statutes it is provided that "the said Consolidated Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation, and as declaratory of the law as contained in the said Acts and part of Acts so repealed, and for which the said Consolidated Statutes are substituted." So that the law of Upper Canada on this subject has been continuously in operation since the 10th February, 1840, the date of the passing of the Statute 3 Vict., cap. 12.

The giving retrospective operation to an enactment so long in force, can, in Lord Carnarvon's language, hardly have any practical consequences.

Before the Act of last session, the law of Upper Canada provided, according to the terms of the Consolidated Statute above-referred to, two modes for the trial of parties invading Upper Canada with intent to levy war against the Queen or to commit any felony therein.

The first was by court-martial, and was applicable to all parties, whether foreigners or subjects. On conviction, the penalty of death was incurred.

The second mode was applicable to aliens only, and provided that, instead of being tried by court-martial, an alien might be tried for felony before any Court of Oyer and Terminer. An alien, therefore, might be tried at the discretion of the Government either summarily by court-martial or for felony by judge and jury. A British subject would be tried by court-martial or for treason.

The object of the Bill of last Session was to plcae all parties, whether subjects or aliens, on the same footing. As regards the aliens now awaiting their trial, the law is not altered; and as regards British subjects, the alteration merely enables the Crown, at its discretion, instead of trying them for treason, to indict them for the minor offence of felony.

Lord Carnarvon's objection to the retrospective character of the Act amounts to this: that under it an alien might possibly be tried for an offence committed before the 10th February, 1840.

But, supposing that no such Act had ever existed, an alien committing the offence of invading the country with the hostile intent above mentioned would have been guilty of the crime of high treason (such, at least, was the opinion of the Law Officers of the Crown in 1838, Sir John Campbell then being Attorney-General), and an Act rendering him liable to the penalties of felony, although retrospective, cannot, therefore, be considered as injurious to the position of the alien.

There can be no objection, however, to a modification of this Act next Session, so as to limit the clause to offences committed since the 10th February, 1840. Meanwhile, as it is not intended to put the Act in force except as regards persons taken in arms during the present year of 1866, no objection can be taken to the trial of those persons, and your Lordship can convey that assurance to the Colonial Secretary.

There is no necessity for the Acts being submitted for Her Majesty's sanction, as your Excellency has already given them the Royal assent; and the Undersigned understand, from Lord Carnarvon's despatch, that no objection exists to the trial, under the recent statutes, of those parties who have committed acts of hostile aggression since such acts were declared by statute to be felony.

With respect to the first-mentioned Act in this report, the undersigned have only to say that the offence of a hostile invasion was first made a felony in Lower Canada by the Statute 29 and 30 Vic., cap. 2, which was passed on the 8th June, 1866, and it is intended to try those parties only who have committed acts of hostile invasion since that date.

(Signed) JOHN A. Mc DONALD.
GEO. ET. CARTIER.

Ottawa, October 5, 1866.

No. 16.

No. 16.

COPY of a DESPATCH from Governor-General the Right Hon. Viscount MONCK to the Right Hon. the Earl of CARNARVON.

Government House, Quebec, October 18, 1866.

(No. 165.) (Received November 1, 1866.)

MY LORD, (Answered, No. 101, November 23, 1866, page 81.)

* Page 81. REFERRING to your Lordship's despatch No. 53* of September the 13th, relating to two Acts, intituled respectively, "An Act to amend an Act of the present Session,

intituled an Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty," and "An Act to amend the 98th chapter of the Consolidated Statutes of Upper Canada," in which your Lordship expresses an opinion that under the provisions of these laws as they now stand, "a man might apparently be punished as a felon for an act which was not a felony when it was committed;" and your Lordship therefore goes on to say, "I have to instruct you that neither of these Acts must on any account be enforced in cases where they would have a retrospective operation." I have the honour to report that I have lost no time in laying your despatch before the Law Officers, and have already transmitted their report in my despatch No. 154* of the 6th of October. The practical aspect of the question is in reference to the Fenian prisoners now in confinement in the Province.

* Page 35.

These men are divided into two classes—Foreigners, British subjects. With regard to the former class, no question connected with these statutes can arise.

The crime of invading the Province was made felony in the case of foreigners in Upper Canada by the 98th chapter of the Consolidated Statutes of Upper Canada, and in Lower Canada by the 1st chapter of the Acts of the late session, to which I gave the Royal assent on the 8th of June.

The prisoners in Upper Canada all obviously committed the acts alleged against them since the passing of the Act for that portion of the Province, and those in Lower Canada were all arrested subsequently to the 8th of June.

The case of such of the prisoners as are British subjects is somewhat different.

In their case the statutable felony was apparently created by a statute passed subsequently to the commission of the acts for which they were arrested.

But I am advised that those acts in their case constituted the crime of high treason.

I am further advised that all treasons are at common law felonies; though previous to the statutes referred to, a British subject who had committed treason could not be indicted for the felony which his treason involved, from a technical rule which imposes the necessity of indicting him for the higher crime.

It would therefore appear that in the case of British subjects no new felony is created by these Acts of Parliament.

The effect which they have is to permit the trial of a prisoner for an act which was a felony at the time it was committed, but the indictment for which was prevented by a technical rule of law.

If the prisoners, being British subjects, be not tried under the Acts of last session, they must either be liberated without trial, tried by court-martial, or tried for high treason.

Any of these modes of treating them seemed to me to involve very serious difficulties; and as this class of prisoners, on the grounds which I have mentioned, do not appear to me to come within the reason of your Lordship's prohibition to use the Acts of last session, I have authorized the Attorney-General to indict them under these statutes.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) MONCK.

No. 17.

No. 17.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. the Earl of Carnarvon.

Government House, Montreal, November 3, 1866.

(Received November 21, 1866)

(No. 183.)

(Answered, No. 108, November 24, 1866, page 82.)

My Lord,

(Answered further, No. 109, November 24, 1866, page 83.)

I HAVE the honour to transmit copies of the indictments, and the Judge's notes of the evidence taken in the cases of Robert B. Lynch and the Reverend John McMahon, lately convicted of felony at Toronto, together with the report of the Attorney-General for Canada West on these cases.

I am aware that these cases have been made the subject of a representation on the part of the Secretary of State for the United States to Her Majesty's Minister at Washington, and that Mr. Seward's letter on the subject has been transmitted by Sir F. Bruce to the Secretary of State for Foreign Affairs.

It is the unanimous opinion of my Council that the sentence of death in these cases should not be carried into effect, and with that view I entirely concur.

Considering the nature of the offence of which these persons have been convicted, and the fact that the society from which this attack upon the Province emanated still maintains its organization, and that the expressed opinions of its leaders show no appearance of abatement in their sentiments of hostility to Canada, I think these convicts should not be allowed to escape without the infliction of some adequate punishment.

The case of the prisoners arrested during the Fenian attack in last summer has already been the subject of official communication to me on the part of your Lordship; and looking to the recent representations made to Her Majesty's Government by the Secretary of State to the United States, it appears to me that I shall best perform my duty in the matter, and take the course least likely to embarrass Her Majesty's Government in their communications with the authorities of the United States, if I abstain from dealing with the commutation of these sentences until I shall have received your Lordship's instructions respecting them.

As it is of some importance that your Lordship should be in possession of this information without delay, I write this despatch away from my office, and avail myself of the departure of Mr. Macdougall, the Provincial Secretary, for England, to transmit it to your Lordship.

I will send this communication in duplicate, properly numbered, by the next mail.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) MONCK.

Inclo. 1 in No. 17.

Inclosure 1 in No. 17.

Judge WILSON to Mr. GODLEY.

SIR, Toronto, November 2, 1866.

I SEND you herewith copies of the proceedings in the trials of the Queen v. Lynch and McMahon.

1. Copies of the indictments.
2. Copies of my notes of the evidence at the trials and of papers read.

I have nothing written of any thing else, but the "Leader" and "Globe" of the 9th October contain my charge to the Grand Jury at the opening of the assizes on the 8th October.

These papers of the days next after the trials contain a fair account, I believe, of what was said in charging the juries, and on passing sentence, Mr. Solicitor General was present at both trials, certainly at that of Lynch. He will be able to give you any further information you may require from his point of view.

I will send the papers to which I have referred, if the Sheriff can find them.

Very faithfully yours,

Dennis Godley, Esq., Quebec.

(Signed) J. W. WILSON.

Inclo 2 in No. 17.

Inclosure 2 in No. 17.

INDICTMENT against ROBERT B. LYNCH.

Canada, County of York, one of the United Counties of York and Peel, to wit.

THE Jurors of our Lady the Queen upon their oath present, that Robert B. Lynch, late of Louisville, in the State of Kentucky, one of the United States of America, and now of the city of Toronto, in the county of York aforesaid, being a citizen of a certain foreign State, to wit, the United States of America, at peace with Her Majesty the Queen, with force and arms heretofore to wit, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-six, and while the said foreign State was so at peace with Her said Majesty the Queen, at the village of Fort Erie, in the county of Welland, in that part of the said Province called and being Upper Canada, with divers other evil disposed persons, whose names are to the jurors aforesaid unknown, did unlawfully and feloniously enter that part of the Province of Canada, called and being Upper Canada aforesaid, with intent to levy War against Her said Majesty the Queen

contrary to the form of the Statute in such case made and provided, and against the peace of our said Lady the Queen her crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said Robert B. Lynch being a citizen of a certain foreign State, to wit, the United States of America, at peace with Her Majesty the Queen heretofore, to wit, on the second day of June, in the year of our Lord one thousand eight hundred and sixty-six, and while the said foreign State was so at peace with Her said Majesty the Queen, with force and arms in the county of Welland, in that part of the said Province called and being Upper Canada, having before that time joined himself to and being then and there joined to divers other evil-disposed persons, to the Jurors aforesaid unknown, was unlawfully and feloniously in arms against our said Lady the Queen within Upper Canada aforesaid, with intent to levy War against our said Lady the Queen, contrary to the form of the Statute in such case made and provided and against the peace of our Lady the Queen her crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said Robert B. Lynch, being a citizen of a certain foreign State, to wit, the United States of America, at peace with Her Majesty the Queen heretofore, to wit, on the second day of June, in the year of our Lord one thousand eight hundred and sixty-six, and while the said foreign State was so at peace with Her said Majesty the Queen, with force and arms in the county of Welland, in that part of the said Province called and being Upper Canada, having before that time joined himself to and being then and there joined to divers other evil-disposed persons, to the Jurors aforesaid unknown, who were then and there unlawfully and feloniously in arms against our said Lady the Queen, did unlawfully and feloniously commit an act of hostility against our said Lady the Queen within Upper Canada aforesaid in this, that he the said Robert B. Lynch, on the same day and year last aforesaid in the county of Welland aforesaid, together with the said other evil-disposed persons armed and arrayed in a warlike manner, feloniously did assault and attack certain of Her Majesty's liege subjects in the peace of our Lady the Queen, then and there being with intent to levy War against our said Lady the Queen, against the form of the Statute in such case made and provided and against the peace of our said Lady the Queen, her crown and dignity.

(Signed) J. W. WILSON, J. C. P.

Inclosure 3 in No. 17. Inclo. 3 in No. 17

INDICTMENT against JOHN MC MAHON.

Canada, County of York, one of the United
Counties of York and Peel, to wit.

THE Jurors of our Lady the Queen, upon their oath present that John Mc Mahon, late of Buffalo, in the State of New York, one of the United States of America, and now of the city of Toronto, in the county of York aforesaid, being a citizen of a certain foreign State, to wit the United States of America, at peace with Her Majesty the Queen, with force and arms heretofore, to wit, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-six, and while the said foreign State was so at peace with Her said Majesty the Queen, at the village of Fort Erie, in the county of Welland, in that part of the said Province called and being Upper Canada, with divers other evil-disposed persons whose names are to the Jurors aforesaid unknown, did unlawfully and feloniously enter that part of the Province of Canada, called and being Upper Canada aforesaid, with intent to levy war against Her said Majesty the Queen, contrary to the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said John Mc Mahon, being a citizen of a certain foreign State, to wit, the United States of America, at peace with Her Majesty the Queen, heretofore, to wit, on the second day of June, in the year of our Lord one thousand eight hundred and sixty-six, and while the said foreign State was so at peace with Her said Majesty the Queen, with force and arms, in the county of Welland, in that part of the said Province called and being Upper Canada, having before that time joined himself to, and being then and there joined to, divers other evil-disposed persons, to the Jurors aforesaid unknown, was unlawfully and feloniously in arms against our said Lady the Queen, within Upper Canada aforesaid, with intent to levy war against our said Lady the Queen, contrary to the form of the statute in

such case made and provided, and against the peace of our Lady the Queen, her Crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said John Mc Mahon, being a citizen of a certain foreign State, to wit, the United States of America, at peace with Her Majesty the Queen, heretofore, to wit, on the second day of June, in the year of our Lord one thousand eight hundred and sixty-six, and while the said foreign State was so at peace with Her said Majesty the Queen, with force and arms, in the county of Welland, in that part of the said Province called and being Upper Canada, having before that time joined himself to and being then and there joined to divers other evil-disposed persons, to the Jurors aforesaid unknown, who were then and there unlawfully and feloniously in arms against our said Lady the Queen, did unlawfully and feloniously commit an act of hostility against our said Lady the Queen, within Upper Canada aforesaid, in this that he the said John Mc Mahon, on the same day and year last aforesaid, in the county of Welland aforesaid, together with the said other evil-disposed persons, armed and arrayed in a warlike manner, feloniously did assault and attack certain of Her Majesty's liege subjects, in the peace of our Lady the Queen, then and there being, with intent to levy war against our said Lady the Queen, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

(Signed) J. W. WILSON, J. C. P.

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lo. 4 in No. 17.

Inclosure 4 in No. 17.

Copy of Judge Wilson's Notes in the Trial of the Queen *v.* Robert B. Lynch, 24th October, 1866.

Indictment for felony on the Foreign Aggression Act, *vide* Indictment. J. H. Cameron, Q.C., Solicitor-General, and R. A. Harrison, for the Crown; Richard Martin for prisoner.

JAMES SEVERS, sworn. I am in charge of the gaol where the Fenian prisoners are confined. The prisoner is one of them. He handed me these papers. The one dated July 4, 1866, is an original; the other, dated July 20, is a copy of an original. They are both in his hand-writing. They are read. (See copies of them herewith, A and B).

I am aware that the Governments of England and the United States of America have been at peace before and since the 1st day of May last.

Thomas L. Newbigging, sworn. I resided at Fort Erie on the 1st day of June last. I saw the prisoner in the Fenian camp on my father's farm at Fort Erie about 3 p.m. of that day. I went to the camp to induce the Fenians to take care of three horses which they had taken of my father's. I asked the pickets on the Frenchman's Creek Bridge where I could find General O'Neil or Colonel Hoy. They said General O'Neil was busy, and Colonel Hoy was in the camp, but they referred me to Colonel Lynch. I then went to Colonel Lynch, the prisoner now in the dock. He directed me to General O'Neil's Adjutant, and pointed him out to me. The prisoner had civilian clothes on, such as he has now; a low felt hat. He wore a sword by his side, slung by a belt around him. I asked him how long the Fenians were going to stay. He said, "You know as much as I do; it may be two hours, or two days, or four days, I do not know." I had no further conversation. The men pointed him out as Colonel Lynch. I addressed him as such, and he answered me without correction. The sentries on the bridge were armed. Their men in camp were working about; some washing, cooking, carrying rails for breast-works, and cutting down trees. I saw rifles with bayonets about the camp. They took three of our horses; slaughtered eleven lambs, and four sheep. They took some of our harness and a tow-boat. When they left they took horses with them; they brought none to the camp. I saw them before they landed, and I saw them moving to the camp on our farm. They got on board canal-boats at Pratt's Dock, on the American side of the Niagara River. I was told at 12 o'clock p.m. by the Custom-house officer that the Fenians were coming over. I was in bed. I dressed and went to the road. The evening was calm; the wind blowing from that dock towards our house. When I got to the road I could see steam escaping from two tugs, and I heard the wheels of waggons coming on to the dock on the American side. Just before daylight the two tugs started with two boats, each filled with armed men. They steamed to the Canadian shore, and as they approached they shut off steam, as if hesitating where to go: then they started up the river to the Shingle Dock or Lower Ferry, and there they landed. I did not think

they exceeded 1,000 men. About 9 o'clock on the 1st of June they all marched down to my father's farm, about a mile below where they landed. They remained till the following night, but when they left I do not know. At daylight one man only was seen, and he was destroying the arms. It was during the afternoon of the 1st of June I visited the camp. Next morning the man was burning and breaking the arms against apple trees; they were rifles with bayonets. What were left were nearly all loaded. In one fire I counted ninety-eight barrels of rifles; the stocks had been burned. There were other fires with fewer rifles which I did not count. We found in Frenchman's Creek nineteen cases of ammunition, ball cartridges, and caps complete, but partially destroyed by water. We found forty rifles in good order in the creek and at its mouth. The mark on all the ammunition boxes was "Watervliet Arsenal, State of New York, 1,000 ball cartridges, 1864, extra good." The marks on all seemed alike. The rifles were marked "Bridesburgh" on the lock, and "U. S." on the stock and barrel "1864." We found in the camp-ground haversacks with clothes which had been worn, canteens, four hams, and things they had stolen from the neighbours, feather beds, and everything they could get hold of. Some few wore the United States' uniform; some green jackets and shirts, but were not in uniform. They had canteens, great numbers of which were found at the camp next morning. The men did not exceed 1,000. I do not know when they marched out. They had green flags with harps; one had a crown and harp. There were about eight flags. They had drums. One who was a prisoner said they did not come to injure the citizens, but the red coats. I did not see the prisoner from the time I spoke to him till I saw him here in July. The main body I last saw in a scow under the stern of the steamer "Michigan."

Cross-examined. I only saw prisoner on the one occasion there. There were about 800 men with the prisoner. I saw General O'Neil in the camp. I saw him soon after I had spoken to the prisoner. General O'Neil wore civilian clothing, drab coloured. He was a gentleman-like man, pale and freckled; more like a dry goods' clerk than the leader of a marauding party. He was a slighter man than prisoner, and taller. I should think him over 35 years of age. He wore, I think, a small black felt hat, and had no arms. He was examining a map of the roads in the county of Welland. I saw no one with arms except the prisoner. I saw none other with swords. All, except a few, were in ordinary clothes of all colours. Some old men, and some very young, not exceeding 16 years of age. Around O'Neil were two or three men better dressed than the rest. I did not see the prisoner till the afternoon in the camp. They were armed when they marched down; I was within a yard of them. Some were marching without arms, walking with the rest. The privates were all armed. I did not notice the men outside so much as the men in the ranks. The rails were removed for a quarter of a mile along the road, and about the same distance on the side line, and made into breastworks. I saw men from the other side passing and repassing, residents of Buffalo; some of them I knew; all I saw I thought belonged to them. Until noon of the 1st, boats carried over armed men. I did not see the prisoner arrested. I had arrested some, and I came here in July to recognise them. I saw prisoner about the middle of July, and then I identified him. He is a man I could identify among a thousand. I did not see him there with his hat off. His hat resembled that on the table. I think his beard was, as it is now. I am positive prisoner is the man I saw there. I am positive he had a sword, like our cavalry swords, or like those a colonel would wear. He seemed to be in command on the road opposite the camp. I am positive the prisoner is the Colonel Lynch I saw at the camp. He is lighter in complexion than he was.

Re-examined. He is the man, I conscientiously believe.

Arthur Molesworth, sworn. I live on the bank of River Niagara, near Fort Erie. When the Fenians were marching up on Friday morning, the 1st of June last, I saw prisoner marching behind them. He had a sword in a steel scabbard slung round his waist. He was speaking to a man whom I knew, who told prisoner his son had joined the Fenians, and asked prisoner to take care of him. He said he would. The Fenians first marched up towards the village, but came down again. The men who were marching had rifles and bayonets, about 1,500, marching four abreast. I saw some of them land, they came from Black Rock, in the State of New York. They cheered on landing. I saw two flags. The prisoner is the man I saw there.

Cross-examined. I saw the Fenians just as they landed, between 3 and 4 o'clock A.M. They marched about 8 A.M. I was at the road close by where they marched, some had uniforms like the United States' uniform. They were walking along the column. I saw two officers in our yard. I only noticed three with uniform. Prisoner had no uniform. I was inside the road and saw only that side of the column. I did not see those on the outside. I never saw prisoner but then. I saw him standing opposite our house, speak-

ing to two men. I saw him about five or ten minutes. The column was moving when he stopped. They had passed when he followed them. He wore a coat like that he now has on. He had a small hat. I saw none with grey hair except the prisoner. Most of the men were young. The prisoners were brought out at the gaol, and there I recognized the prisoner. I did not know the last witness had recognized. I saw him standing and speaking to the two men. He had a sword and a little satchel. I see no difference between him now and then. I saw no man like him. One officer came to our house and asked for breakfast, he had uniform with green binding, the cloth was dark blue, his hair was black and he wore a black moustache, he was younger than the prisoner with the same kind of complexion. I do not know who was in command. I was alongside of the prisoner and the man to whom he was speaking. About 8 A.M. on the 1st June last, I saw prisoner there, his hair is as it was, I see no difference.

Re-examined. I am sure prisoner is the man I saw there.

Joseph Stevens, sworn. I was at Fort Erie on the 1st of June last. I saw the prisoner there on that day, on the road getting his men in line, between 6 and 7 o'clock, to march. He had a sword, nothing else. He was commanding the men. The Fenians took me prisoner and some others. They made us go into the ranks. After I was there, I heard him giving the word of command. I was there fifteen minutes. I was marched three-quarters of a mile along the road and dismissed. The men said they were going to Toronto and Quebec. They asked if Canada was seven miles across. I said it was ten miles. They said they were going to take Canada and have farms. I saw lots of them marching around. I was a prisoner all day. They kept me a prisoner in my own house, and I did not see the prisoner that day again. I saw no fighting. I am certain the prisoner was there. I saw no fighting on Saturday. I was in my house, a mile and a quarter below Fort Erie all day.

Cross-examined. I did not know prisoner before that day. I saw the men about half-past six. I saw them first about daybreak. They took me prisoner. I did not see the prisoner at first, but in an hour afterwards. He was marching up and down the road speaking to the men. I did not see him coming over. The prisoner had the most to say of any one. He gave directions, which were obeyed. They were moving things out of people's houses. I saw no movement till he put them in order. After he had put them in line he said "Forward," "March." This was about two hours after daylight. Prisoner had no uniform, he had a sword with a steel scabbard slung with a belt. He had a black low-crowned hat. He marched us and halted, then halted again and ordered us who had been forced into the ranks to fall out, and he said "you are dismissed." He looks sleeker now than he did. His moustache is longer. He was then more weather-beaten, but otherwise seems the same.

Thomas M. Molesworth, sworn. I reside at Fort Erie. I saw the prisoner at Fort Erie, or on the road leading there, on Friday morning the 1st of June last. He was walking with the body of the Fenians. I cannot say I saw on him any arms. I saw him on Saturday forenoon at eleven or twelve. Some one said he was a Fenian. He said he was a reporter to a paper. I saw him arrested. This conversation was just before he was arrested. The prisoner is the man, I have no doubt, whom I saw there on the 1st of June.

Cross-examined. I first heard of them about the break of day. I got up and dressed. I live about the eighth of a mile from the place they landed. After they formed they walked past my house. They appeared to be led, but by whom I cannot say. One rode who was in uniform. The first I saw were detached ones, who tried to get into my house. The column was then forming. I was in front of my house and saw them march past. The prisoner was among them. I cannot say who was in command. They had only come 500 or 600 feet, the head was further on. Prisoner appeared to be walking with them. He was half the breadth of the road from me. He had a low-crowned flat hat, with flat rim, black; he had a dark coat. About 6 A.M. on 1st June he passed me. I do not recollect seeing him again till Saturday. I saw some in uniform, some not. I saw him marching with the men. Some of the men outside the column were without uniform. All the swords I noticed had steel scabbards. I no not recollect the prisoner had a sword. Next day I had noticed him as one I had seen the day before. He had no arms that I saw. The prisoner and another man came up the road on Saturday and were accosted as being with them the day before, he said "I was there as a reporter." He now appears to wear his beard differently, but his appearance is otherwise the same. He wore more beard then than now. He is not so brown now as then. His moustache came more out at the sides than now, and it was longer.

William Murray, sworn. I believe I saw the prisoner before, I have no doubt I saw him a mile and a half below Fort Erie on Friday the 1st of June last. He was with a

great number of armed men. He had a sword hung by his side. I saw him afterwards lower down the river with a number of others. He had his sword then. I was within fifty yards of them when they landed. I went to the Telegraph office to give notice of their landing. I saw them march past me to the camping ground at Frenchman's Creek. They had flags and banners and a drum. They were all armed who were in the ranks.

Cross-examined. I saw prisoner first about 9 or 10 o'clock at the Lower ferry, where they landed. They had gone to the Upper ferry first, but came back, and from that to Frenchman's Creek. I had not seen prisoner before. He was standing talking at first. He had dark clothes, with a sword slung to a belt which was round him. He was dressed in civilian clothes, dark, his sword had a steel scabbard. They wore different kinds of hats, mostly black. I was within fifty feet of them, not many men were of prisoner's age. I saw one man of about his age. The prisoner and those with him, were at an old saw mill, the road between us. I next saw him at Frenchman's Creek, dressed as before. He was talking to one dressed and with a sword like his. i was about the length of this Court-room from him in the afternoon of the same day. His hat had a stiff broad brim and a low crown. He looks paler now, but I see nothing else, except he seemed to have more beard. He is not so bold looking. The beard seemed more over his face than now, not a great deal.

Frederick Eldon Dixon, sworn. I am an officer in the Queen's Own. The regiment was ordered from Toronto to Port Colborne on the 1st of June, 1866. We got there the same day. Colonel Dennis was in command when we left. I am major now, but I commanded a company them. We were ordered to start on Saturday morning by rail to meet Colonel Peacocke's force. We moved at 5 A.M. with 1,300 men. The Queen's Own, the 13th Battalion Hamilton, and the York and Caledonian Rifle Company, all Volunteers. We were all in uniform. The Queen's Own have dark green uniform. The 13th scarlet tunics with dark trowsers. The York and Caledonian Rifle uniform. We were armed and had ammunition. We got out at Ridgeway station to take our line of march which began a little after 6. We advanced in military order. We had marched about two miles when the leading files of the advance guard came back at the double. I was with the main body, in subdivisions, all in the road. They put their shakoes on their rifles to show the enemy was in sight. Three companies were ordered to skirmish right and left. We advanced some distance and saw men running about in front, and then we heard a shot fired, and the firing continued. The men took cover all they could in a field in which were stumps. We were in front, the 13th in red coats in the rear. They were not in front at the beginning. The skirmishers of the 13th were ordered up to relieve us, and then their red coats could readily be seen. I saw some of our men fall. Two fell in front of me. I saw men wounded on the field, of our corps. They were wounded from the fire of those who opposed us. I saw a body of them in front of us firing. Our troops after a time retired.

John White, sworn. I belong to the Queen's Own. I was in the affair at Ridgeway, I was wounded in the arm and lost it. I was wounded in the retreat.

William Hodder, sworn. I belong to the Queen's Own. I was at Ridgeway. I was adjutant with the commanding officer in the reserve. The troops advanced as described by Major Dixon. I saw several wounded of our men, and one of the 13th, Lieutenant Routh. They were wounded by the fire of the enemy. The troops were in uniform.

Adam King Schofield, sworn. I am a Lieutenant in the Volunteer Welland Canal Field Battery. We left Port Colborne and disembarked at Black Creek. Then embarked to Fort Erie and re-embarked and returned to Fort Erie. We then scoured the country to Trottin's bend. We had fifty-four men and three officers, no large gun. We were in Artillery uniform. We came in contact with the enemy between 3 and 4 P.M. at Fort Erie on shore. We were in Front-street in Fort Erie with the Dunville Naval Brigade who had no uniform except the officers. The Naval Brigade were in front. We saw men skirmishing down the river bank. A man threw up a white cloth and we were called to surrender. First a shot was fired. Then another, then a volley fired among us. Captain King was hit in the ankle. F. Scholfield was shot in the leg below the knee. J. Bladley, shot in the thigh. Robert Thomas, through the thigh. John Harverton, shot in the leg. We retreated to a building and fired till the Fenians threatened to set fire to a store, which would have burnt the house we were in. Our men in the house surrendered and were kept by them all night. I was taken. Lieutenant Nimmo and Lieutenant McDonald were taken. The Fenians said they had come to take the country and they would. We were mistaken they said in their force, they could and

would take the country. A guard was put over us, and over the house, of some fifty or sixty men. They knew we were troops. They took my cross-belts from me.

Cross-examined. There was a large body of some 700 men. One, Fitzpatrick, was adjutant. He had brown clothes, quarter boots, a black hat, and a sword with a bright scabbard. Some of the officers took tea with us where we were imprisoned. I was taken by the men. Fitzpatrick met me, he said, "you are an officer, you shall go back with me." He asked where my cross-belts were. I pointed out the man who had them and he made him give them back. Fitzpatrick was a man of 25 years of age. This was on the 2nd of June. I saw the surgeon Dr. Donelly, he had no arms, had dark clothes. I saw half a dozen officers. I took tea with them. They wore civilian clothes. Some two had blue cloth trimmed with green, they were captains. I saw six or seven officers who took tea with us. The Quarter-master had no coat. None of the officers were old, some of the men were. I did not see O'Neil, I heard he was there that evening. They told us they had from 800 to 1,250 men at Ridgeway. They were those who had been at Ridgeway. I do not remember seeing the prisoner. Mrs. Kempson came in and said, "Tea is ready." We did not move. These officers said, "you must go in first and whatever places are left we will take." We went down and about four sat with us. They said they had been fighting. We were well used after we gave in.

Thomas Ryle, sworn: I was at Fort Erie on the 1st of June last. I came from Buffalo early in the morning, and came in a canal-boat, drawn by a tug. There were about 300 men on board the boat. We came on foot from Buffalo to Black Rock. We had no arms when we left. On our way across the arms were issued. We had the ammunition on the American side. We got muskets on the way over. Some had revolvers of their own. Bayonets were issued. There was ammunition in boxes. They talked of taking Canada by fighting. This we intended. The prisoner was in Fort Erie that afternoon, walking up and down where the arms were stacked. He wore a sword. We went to Black Creek, where we stopped: 100 men—a skirmishing line—went out and came back to the river, and waited till the main body came back. We were all armed; I, among the rest, walked into the country, and I left them. A captain came back and swung his sword, and said we were going into action. I and some others left and went to Colonel Peacocke's camp: 700 or 800 men marched out. I can't say I saw prisoner there.

Cross-examined. I was born in the County Kerry; came to the United States a year ago. One McDonald, who came from Tennessee, swore me in on his side. My oath was to serve them loyally. I do regard oaths. I remember it was "to serve them truly, so help me God." I turned Queen's evidence; I told the turnkey, and then Mr. Harrison. I expect to get free for giving evidence. I was sworn to keep their secrets, and was in McDonald's Company. The one shown as O'Neil wore plain clothes, was about 30, light coloured hair, pale face. I came over about 4 o'clock, towed by a tug. I did not see Colonel Starr. I know one Shields, who was a captain. I did not know Colonel Shay. I was of the column formed after we landed. The Captain put us right. Shields was giving orders to his men. He is 5 feet 8 inches, dressed in a black coat, a felt hat, and had a revolver. He is stout, heavy, dark moustache, 35 years of age. McDonald was acting-captain; is a young man in light clothes. Most of the officers were in civilian clothes. They generally wore sack-coats, dark. They wore different kinds of hats. McDonald had a rowdy hat. I saw a Lieutenant, a broken-nosed chap, with a black hat, so had the rest, mostly. Shields was the oldest man there. I saw Lynch, the prisoner, who was the oldest man there. I saw two men about the Fenian camp of prisoner's age, taller and heavier men than he. I think they were officers. I saw none of this description at Frenchman's Creek. I saw prisoner on the 1st of June, early in the forenoon, about 9 o'clock. I saw a scow-full come about 7 o'clock. I saw prisoner first walking up and down where the arms were stacked. The first I saw of prisoner was in the field, after the arms were stacked. Prisoner had the clothes on he now has, and a sword. I am giving evidence. I know John Mecham—I slept with him. I told him I had given evidence against the prisoner.

CASE FOR THE CROWN.

At 5·45 P.M. Court adjourned till 10 A.M. to-morrow.

October 25, 1866, 10 A.M., Court opened. Jury called over and all present.

FOR DEFENCE.

John McMahon, sworn: I am a clergyman. I saw prisoner on the forenoon of the 1st of June last at a camp at Fort Erie. I saw him writing. I think he told me he was

writing for some newspaper in Kentucky. I saw him writing in a book. He had no sword, I think, and no gun with him. I saw him an hour after, walking along the road; I was talking with him. I do not recollect seeing him again.

Mary Ryle, sworn. I am the mother of Thomas Ryle. He has a poor character for veracity. He ought not to be believed on his oath. I have been in this country fifteen years. He came with us, then 8 years old, to Cape Town. He worked out with a farmer. I removed to Paris three years after I had come to Cape Town, and one year after removed to Guelph, and there I have lived since, on the property of Daniel Allen. He was in Cape Town, Paris, and about four years with me at Guelph. He worked in Guelph when the market house was built. He went to the United States a year ago last April, and I never heard from him till I heard he was in gaol. About two years' before the last time he had gone to the United States in May and remained till the fall.

Cross-examined. He was not a good boy, he was guilty of all bad acts except murder. He was good till he was 15 years old. He is now 23 years. He is a drunkard, a liar, a night walker, a waylayer, and he was found guilty and bailed.

Re-examined. He was not tried after he got out on bail. He was always in trouble, every day I heard something bad of him. He strolled with bad boys.

John McMahon, recalled. I was not present when the Fenians landed. I saw the officers who commanded the Fenians. There was a man, I do not know his name, much the size of prisoner, who was a captain from Indianapolis. He was a man who looked much like the prisoner, and wore a similar coat. The prisoner's beard on his chin was smaller I think then than now. The captain I speak of had more beard than prisoner. The prisoner had a moustache but not so much under his chin. The Captain I speak of I would know if I saw him. He said not to be afraid, I should not be molested.

Daniel F. Lumsden, sworn. I think I saw prisoner on the 1st June last, at the Fenian camp, but I cannot swear positively. When I saw him he had a book in his hand taking notes. I fell in with a lawyer who called my attention to prisoner. He had no sword or arms that I saw. I saw some of the Fenians. I saw O'Neil, he had civilian clothes. He resembled the prisoner in his walk and clothing, but he was taller, and not O'Neil. I think prisoner was the man I saw taking notes.

Cross-examined. O'Neil is much younger than prisoner.

Daniel Whalen, sworn. I remember seeing prisoner on the 1st June last, at Fort Erie, about one in the afternoon. He was half a mile from the village. He was walking round. I understood he was a reporter for the "Louisville Courier." I saw some of the officers in command then. I saw no officer resembling the prisoner. I took notice of his heavy moustache. I did not take notice of his beard. If his beard had been as large as now I should have noticed it.

Cross-examined. I was seduced to come over on the Friday, and found I was in a bad fix. I asked the advice of prisoner; he told me to stay till night and get away. He said he had nothing to do with it only as a reporter. I met with an accident. I had a minie ball through my neck.

Patrich Norton, sworn. I saw prisoner on the 1st June last, outside of the village of Fort Erie, about half-a-mile or so. He was walking round like any other citizen. He had no sword. I did not know what he was doing. I saw several of the officers, one resembled the prisoner; he wore a sword. I do not know his name. The prisoner had less beard on the chin, an imperial, but a moustache as now. The officer had more beard than the prisoner has now.

Cross-examined. I was like a peaceable citizen. I met with an accident. I won't say what it was. I came with another man. I saw prisoner but once, and it was on the camping-ground. I heard no one called "Colonel Lynch." I do not know the name or rank of the man I spoke of who resembled prisoner.

Thomas Henry Maxwell, sworn. I saw prisoner on the 1st June, at the Lower Ferry, near Fort Erie. He was standing; had no arms; heard that he was a reporter for a Louisville paper. I saw some of the officers; none who resembled the prisoner. I did not notice the kind of beard he had.

John Corney, sworn. I saw prisoner on the 1st June last. I drove prisoner from Buffalo to Black Rock, at about 12 o'clock. I took his valise from the carriage to the ferry-boat. He had an imperial and a moustache. He is greyer now than then.

Cross-examined. He had a moustache and imperial. I did not come over with him.

Patrick O'Malley, sworn. I saw prisoner on the 1st June last, in Exchange Street, Buffalo, about 8 in the morning. I knew prisoner as a bookkeeper in Louisville. Prisoner said he came with a squad of Fenians from Louisville, and was a reporter for the "Louisville Courier." I never saw him during three years have anything but a moustache and imperial.

Martin Cormick, sworn. I saw prisoner on the 1st June last at the Cross Road near a shingle-mill. I saw him between 8 and 9 in the morning. He was standing there. I did not know what he was doing. He had no arms. I saw no officers. There was no crowd about prisoner.

Cross-examined. It was between 8 and 9 in the morning, as near as I could tell I was walking along the road. I did not see the camp. I came in the ferry-boat. I left Black Rock at 7 A.M. I saw him at the Shingle Block between 8 and 9, and met him there.

John Mecham, sworn. I saw prisoner on the 2nd June; not on the 1st. I saw him on the tug-boat after he was arrested; he had a moustache, as now, and an imperial. I know Thomas Ryle. I would not believe him on his oath.

Cross-examined. I did not know Ryle till I saw him in gaol.

Dennis Lenaghan, sworn. I did not see prisoner on the 1st or 2nd June last.

Peter Morrison, sworn. I saw prisoner on the 2nd June last, 200 yards out of the village. I saw him, but did not know him. I was arrested, and he was soon after.

Michael Purtel, sworn. I did not see prisoner on the 1st or 2nd June last

Patrick Keating, sworn. I was at Fort Erie on the 1st June last, and saw Stephens a prisoner. He was intoxicated, I should judge by his talk and appearance. I was talking with him. He said he had been arrested by these fellows; and I asked them and they said by O'Neil's orders. I saw O'Neil. I did not notice other officers.

Cross-examined. I did see Stephens a prisoner there.

George Wells, sworn. I saw prisoner when he was in gaol here. I shaved him. He had a moustache and a slight imperial on his lip; nothing more.

Cross-examined. We were in Brantford Gaol seven days before we came here.

Re-examined. I saw him a prisoner on the tug after he was arrested. He had the same moustache and imperial then.

Henry M. O'Brien, sworn. I know prisoner at the bar. I knew him as a boy in Galway and Dublin, in Ireland. County of Galway is his birthplace. I came to America before he did, I think. I am here twenty-five years. I met him as a boy in Galway five years after. I met him at a ball at my father's in Dublin. He was head clerk in the Charitable Bequest Office, at the Castle.

Case for prisoner.

Verdict, "Guilty." Sentenced to be executed on Thursday, the 13th day of December next.

(Signed) J. W. WILSON, J. C. P.

November 2, 1866.

Montreal, November 5, 1866.

The Undersigned, after consideration of the evidence in this case, begs leave to report to your Excellency that in his opinion such evidence fully sustains the verdict and conviction, together with the within notes of evidence, are transmitted, for your Excellency's information, newspapers containing Mr. Justice Wilson's charge to the Grand Jury, as well as his charge to the Petit Jury. The reports in these papers are stated to be correct by the learned Judge.

(Signed) JOHN A. MACDONALD,
Attorney-General.

Inclo. 5 in No. 17.

Inclosure 5 in No. 17.

COPY of Judge WILSON'S Notes of Evidence in the Trial of the QUEEN *v.* JOHN MCMAHON.

Indictment for Felony under the Foreign Aggression Act. Solicitor-General, J. H. Cameron and Harrison, for the Crown. M. C. Cameron for the Prisoner.

JOHN RAI, sworn (this man's name is not on the indictment. M. C. Cameron objects to his being examined, because the prisoner had a right to know who had to be called against him. I allow his evidence to be taken, and think the objection late, if good, and that it is no objection, the offence is not treason). I live in Fort Erie. I was there on the 1st of June last. I saw prisoner on the 1st June, he was there among the Fenians, who landed there about 800. They were mostly armed. Prisoner was not armed. I saw him first about 9 in the morning. He was dressed in black clothes, and a

black hat. They landed one and a-half miles from Fort Erie; came up marching through the village, and halted for breakfast. They halted sixty feet from my house. Prisoner was there. They breakfasted there, and remained about two hours. Most marched, a few straggled behind. Some left their valises, and the prisoner ordered those which were behind. He said, pick up the valises, the boys may want them, we do not know how long we may stop in Canada. The men picked up their valises and went on; we followed. They went in the direction of Newbigging farm. They came about 7 A.M. I can't say the very time. I saw prisoner after the fight between the Fenians and the Volunteers. The Fenians took me prisoner on Saturday evening. The fight too place at 3 P.M. Those who came back, came from the direction of Ridgeway. I was a prisoner. I saw a wounded man by the road; he was a Fenian. Prisoner was attending to him, and examining his wound. I saw him as a prisoner on Sunday noon; he was in charge of our soldiers or volunteers. The United States and our Government were then at peace.

Cross-examined. There is a ferry-boat going between our side and the American. The common ferry and the railway one, which takes only cars and passengers. Prisoner had a satchel of his own, which he carried. I did not speak to him. I was with one of my neighbours talking. I was not here to see these men till last week. There were about half-a-dozen valises left. Almost every Fenian had a gun and a valise. Prisoner wore a black coat and a black plug hat. They had all sorts of hats and clothes. He was not armed. I said I thought prisoner was either a priest or a doctor; when I saw him last I thought he was a doctor. He had a white neckerchief and black clothes.

Re-examined. I am positive he is the man.

Alexander Wilcox, sworn. (The same objection is made to this witness as to the last, and the same ruling. Then the witness was not sworn when the objection was taken).—I live in Fort Erie. I saw prisoner on the morning of the 1st June there. He was standing talking to some who remained behind the main body of the Fenians. There were some satchels and valises left. He was interceding with the men to take them in; said it was a pity the poor boys should be without their clothes, as they might want them. They took them on. I did not see him after. I saw no arms on him.

Alexr. Milligan, sworn. I reside at Fort Erie. On 1st June last I saw a body of men, armed, there. They were near my lot, arranged there about 5 or 6 in the morning. I saw the prisoner there. Some of the men had gone into a tavern and were drinking. He told them to take care of themselves. I saw him often. He had dark clothes and a revolver by his side, and a belt, I think. It was outside I heard him say to take care of themselves. I had a conversation with him. He said, don't be afraid, we do not want to hurt civilians. Some said they wanted to see red-coats. Prisoner said, yes; that was what they wanted. I never saw him at Fort Erie before. Reeve ordered breakfast for them to prevent them from ransacking the houses.

Cross-examined. I do not keep a saloon. I saw them at Barney McManey's tavern. I kept house. It is not over fifty yards from that tavern. I was awakened by the woman next door; it was light. I went to the back door and saw the Fenians all drawn up in the green at the back of my lot, where the school-house is. I got my family up and took them to Buffalo. After my family were up, I went out and among them. I was with them about a quarter of an hour; went home and back again. I remained a few minutes. I went to the tavern and several went in and I drank with them. I was as sociable as possible. I asked to treat them, but they said I should not pay—they could pay better than I could. I had four or five horns, and remained there till about 9. I got my family away in the forenoon. There were several men walking up and down the streets with guns and bayonets. I saw prisoner at the door. I was talking with two or three whom I knew—they were from Buffalo and Toronto. Prisoner was talking to the men to keep straight. He had a revolver and I think a belt. I saw the Fenians go away. I can't say the time; about 9 o'clock, I think. I did not see the prisoner or those who straggled go away. I saw prisoner twice at the same place. All he had to say was that the boys should mind themselves. I worked as a tailor and I kept a tavern here. I was a year in the United States. I left this about two years ago next January. I came back the beginning of January, and settled in Fort Erie. It was about a quarter or a half an hour between the first and second time I saw prisoner. The Fenians moved off between 9 and 10. I saw prisoner between 5 and 6. I was at home part of the night and part at McMeney's saloon, which I left at about 10 P.M. I had gone there at about 8 P.M. I did not expect the Fenians. I was talking to Mr. Squire, and I took a drop occasionally—only beer. I went to bed about 10 or 11, I think. I was at no other place that night, and I went home alone. Joseph Squire was there when I left. Thomas

and Fairchilds were the men playing billiards. I heard of it just after I quit work. I was not drunk the morning of the 1st June. Bayette and Mooney were there just about the time the Fenians came. I spoke to Mooney before and after. He called me to see the Harp of Ireland hoisted in Canada. I saw him about there all morning. I can't tell what kind of a belt prisoner had on, but he had a revolver, which was a good-sized one.

Re-examined. I saw prisoner between 5 and 6 telling the men to take care of themselves and keep right. I was proposing to go to Buffalo. They said they were not going to molest the inhabitants but to go on.

Cross-examined. I asked, when I went to drink, whether I should go; they said I need not, for they were not going to hurt us: outside they said the same thing. I went with my family to Buffalo—took a carpet-bag only. Went in the forenoon.

Joseph Newbigging, sworn. I live on the Niagara River, two miles from Fort Erie. I was at home on the night of 31st of May. On the morning of 1st June I saw a body of Fenians landing at the lower ferry. They came in canal-boats towed with tugs; they were armed. I saw prisoner in the Fenian camp on my father's farm, on the 1st of June, about mid-day. He was standing talking to some of the Fenians in the camp. He seemed friendly with them. Two or three of the parties he spoke to were Fenian officers; the rest were of the lower sort. I saw him in the afternoon of the same day going into a boat with three others, one dressed in common clothes, one in Confederate uniform, and United States. I heard one say to prisoner, Come, Father, get into this boat; and he went. They started off for Black Rock Dam; in going they kept up the river a bit and then across. Next I saw of him was on the 3rd, on Sunday, under a guard of soldiers. I was at the camp four or five times on Friday, and I saw him there most of these times, and I saw him conversing with them.

Cross-examined. I saw none of the villagers there that day. I saw and spoke to Colonel O'Neil. When they called him father I understood he was a priest.

Thos. L. Newbigging, sworn. I am brother of last witness. I think I have seen prisoner before. I saw him on Friday about 3 in the afternoon, on 1st of June. He was coming with some others from the camp. They appeared to be Fenians. After they passed I saw a boy with a boat coming down the river; some of them hailed it and said if he would take them over he would pay for it. They were going to Buffalo. The boys came ashore; the boat was too small; one boy remained. Prisoner and those with him got into the boat. After the boat was pushed off, I heard one say, Father, take this seat (the stern one)—the most comfortable one there. They rowed the boat up to cross to Black Rock Dam. I did not see it cross. I thought he was a chaplain. His clothes were not so genteel as now. His hat was very much worn. I did not see him again till I saw him in gaol about the middle of July.

Cross-examined. He had no arms I could see.

Charles Treble, sworn. (The same objection and the same ruling as to the second witness.) I live at Fort Erie, and was living there on the 1st of June last. I believe I saw prisoner before, but am not positive. I saw him on the afternoon of Saturday in Walnut-street after the engagement. He was walking alone up the street. From his appearance and dress I thought him a priest. He wore a long coat. I do not swear positively it was the prisoner.

George Mc Murrich, sworn. I am a Captain of the 10th Royals. I saw prisoner before this a short distance from Fort Erie, five or ten minutes' walk, at the house of Major Cautie, a Major of the Fenian army as I heard, on Sunday morning before 8 or 9 o'clock, Lieutenants Denison, Hodder, Stoakes, Dr. Jamieson, and others. It was suggested by Lieutenant Denison there were wounded Fenians there, and he sent men to search it. I saw prisoner at the door. Dr. Jamieson asked where he came from, and he said from some place in Illinois, in the States. I cannot remember the place. I and Dawson arrested him. He said he came to bury the dead. He said he had been at Buffalo, and heard of something happening here. He came to do his duty in burying the dead. He was on his way to see the Bishop in Montreal. We found one dead Fenian in the barn on a stretcher. One Kiley was in the hayloft wounded, and his companion Smith. The prisoner was asked soon after we went there if there were any Fenians. He said he did not know. Another dead man was found in a workshop. He was marched off as a prisoner.

Cross-examined. On Sunday about daylight we were two miles from Fort Erie. About 9 or 10 we were in Fort Erie. I cannot tell the time exactly.

John G. Ridout, sworn. I saw prisoner at the house of Major Cautie, as mentioned by last witness. Four men, I, and Captain Mc Murrick, went to the house. We asked

if there were any wounded Fenians there. The women and this man denied it. I went to the cellar, and found belts and coats. Then the prisoner was arrested. We found a dead Fenian in the barn. I found one Kiley and one Smith in the loft.

Cross-examined. I heard prisoner say he had nothing to do with the Fenians; he knew nothing about them. The belts were of the 13th Hamilton people.

Re-examined. When I saw prisoner in gaol he did not deny but that I had seen him at that house.

Dennis Sullivan, sworn. (Same objection to him as to second witness, and same ruling.) I am one of the Royal Canadian Rifles. I was at Fort Erie on look-out duty two years and twenty-eight days. I knew Cautie and his house on the hill. Cautie went to meet the Fenians as they came up. He was with them, and had a revolver. He was with them while they were there, but has not been seen since.

John Metcalfe, sworn. (Same objection as to him, same ruling.) I was in the Queen's Own at Ridgeway. I am now in the Sheriff's Office. I was atLime ridges. The Queen's Own and the Volunteers were attacked there by the Fenians. The Volunteers were in uniform. I saw Lieutenant Mc Eachum lying wounded in front of me. A man was killed by my side. The shot came from the Fenians. I saw prisoner in gaol here. I told him anything he might say might be used against him. I made no promise or inducement to him. He said he was a Roman Catholic priest; born in Monaghan, in Ireland. Was a citizen of the United States. Came over from Buffalo on the 1st June. Landed at Fort Erie, where the Fenians took his carpet-bag and clothes from him, and compelled him to go to Ridgeway to act as chaplain for them. He was within half-a-mile of the battle-field. He attended to the wants of the wounded, both Fenians and British. He heard the confession of five wounded Fenians, who died on Saturday. He attended the wants of the British and Fenians indiscriminately as they were brought. Several Fenians were wounded; he could not tell the number. Four Fenians were killed at Fort Erie. Colonel Bayley was killed by three balls in his body. When arrested there was found on his person a list of boys he wished to send to a Mr. Vaughan, but no list of a Fenian Company. There were some pistol-shots of his own and slugs he picked up at Fort Erie, some wafers unconsecrated, some oils, and a bottle of peppermint. He had no arms of any description, and was no Fenian.

Cross-examined. All this was given me at one time. Mr. Mc Nab asked if he wished to make a statement. The statement was taken in writing. He said the Fenians forced him to go with them as priest, and as a medical adviser too. The battle at Ridgeway was on the 2nd of June. I was not injured. I got to Fort Erie on Monday.

Edward Hodder, sworn. (Same objection, same ruling as to this witness.) I saw prisoner before at Major Cautie's house, near Fort Erie, on Sunday the 3rd of June last. I was in front of the troops when it was said a wounded man was in the house. Dr. Jamieson was sent to see him. He wanted an escort outside of the skirmish line. I and Dr. Jamieson went first. Mr. Ridout and others followed. We went to the house and saw prisoner standing at the door. Dr. Jamieson asked him what he was doing there. Prisoner said he came from Buffalo and was on his way to Montreal, and some one had stolen his vestments, and he was waiting to get more. We arrested him. He was asked where the wounded man was. He said there was no such man about the house. The woman also denied it. I saw through the seam of the barn a man lying on a stretcher. He was asked if any Fenians were about there. He said no.

Cross-examined. His answer was no; not that he did not know. Dr. Jamieson said, What are you doing here? He answered as I have said. Captain McMurrich was near and could have heard. Dr. Jamieson asked, Where is the wounded man? Prisoner said, There is no such man here. We were ordered to surround the house. Coats and belts of our men were found, and I saw the dead man through the seam. Prisoner was searched, and a pocket-book was found. He was asked where the wounded man was. He was not asked if any Fenians were there.

Wm. Cramb, sworn. (Same objection to him, and same ruling.) I live in Toronto. I have seen prisoner before. I had a conversation with him during the latter part of last month in the gaol here. He said, I came over with the Fenians to dress the Fenian wounds.

Cross-examined. This is about all he said. He said, Do you recognize me? I went partly out of curiosity, and partly to benefit my country. All for curiosity. I spoke to others also. I got statements from other prisoners. Something from the other reverend gentlemen. The turnkey was present. He did not say whether he did it or not. I am a commercial traveller. I take orders for dry goods. I deal in lamps for Noah H. Piper.

Case for the Crown.

Verdict, "Guilty." The jury say Guilty on the whole indictment. Sentenced to be executed on Thursday, the 13th of December next.

(Signed) J. W. WILSON, J. C. P.

Montreal, November 5, 1866.

THE Undersigned, after consideration of the evidence in this case, begs leave to report to your Excellency that, in his opinion, such evidence fully sustains the verdict and conviction. Together with the within notes of evidence are transmitted, for your Excellency's information, newspapers containing Mr. Justice Wilson's charge to the Grand Jury as well as his charge to the Petit Jury. The reports in these papers are stated to be correct by the learned Judge.

(Signed) JOHN MACDONALD,
Attorney-General, U.C.

Inclo. 6 in No. 17.

Inclosure 6 in No. 17.

(A.)

Mr. LYNCH to Mr. KERR.

MY DEAR MR. KERR, Military Prison, Toronto, July 4, 1866.

I RECEIVED yours of the 29th ultimo, and I assure you I was much pleased to hear from you, for I am not unmindful of your many kind acts to me, and the interest you took in my welfare. Had I taken your advice, I would not be in the predicament I am now placed in. But I had not the slightest idea that I could be interfered with, having gone into Canada as a peaceable American citizen without any hostile intention whatever, never having carried arms, or done anything to offend a man, woman, or child in Canada. They are our own race and people, and never done anything to me. But being out of employment, I accepted the offer of Mr. McDermott to go as correspondent. I did not correspond any, from the fact that the Fenians were some eight or ten miles in the country fighting when I was arrested at Fort Erie. I suppose you seen an account of the skirmish at a place called Ridgeway or Iron Ridge. It was madness for their leaders to have taken them there; some 750 or 800 men to fight not alone the Militia, and the Regulars, at least, 4,000 strong. But the Canadian people were up to a man in opposition against them. If they counted in any aid from the people of Canada, you must have observed how much they were deceived. Nothing I could say could convey to you the indignation of all classes of Canadians at this Fenian raid into their country. But I will more fully give you an account of it when I have the pleasure of seeing you.

I wrote to McDermott and Lincoln on business connected with my case, and you excuse me not mentioning your name. I assure you it was not that I forgot you: but I had intended devoting a sheet to yourself. I regret much that I am not in Louisville. With regard to that lard trade, my evidence would have settled the matter at once. I was present when he sold you the lard, and wanted you to come on Sunday to examine it. I recollect your saying distinctly, you never did business on Sunday. He then said you might examine it when you pleased. The trade was then finally made, and we drove off. You can postpone the trial on account of an absent important witness. I cannot say when this trial of our comes off; but if you prepare an affidavit, my testimony taken here before the proper authorities, I should think sufficient. I heard from McDermott yesterday. I am glad to find he has been to work for me, and I hope I will soon be back with you once more. I have now determined to turn over a new leaf, and settle down with the determination of leading a sober, useful, industrious life; and, not that I say it myself, I have the proper business qualification, and all I want now is a fair start. I hope you are doing well. Has our mutual friend, Mr. Canan, returned? I hope he has succeeded in the object he had in view. Give him my kindest regards. I would to hear from you again if you can spare time.

This prison life is most intolerable. I would sooner be dead than live here another month. I have not ate anything for thirty-four days but bread and water. There is a kind of soup furnished, but I could not use it; no meat or vegetables; corn meal mash for supper,—this heats the blood. Any few of the prisoners that have not the itch. There are about 105 of them here. The officers of the prison are very strict in the discharge of their duties—much more so than in the United States; but withal, obliging

when approached properly. Where there are so many prisoners, considerable responsibility rests on the officials. They have certain rules that are strictly enforced. But the diet is a disgrace to Canada and its Government; no able-bodied man can live on it for any time. I have got no money to buy anything (which is allowed): you can buy provisions if you have the money. You were mistaken with regard of our not being furnished with stationery; we get all we want of it. I have received no money from McD. I will write to you again next week.

Your faithful friend,
(Signed) R. B. LYNCH.

Copy of a Card attached to the Letter.

R. B. Lynch,
with Hackett and Otter,
Grocers and General Commission Merchants,
Nos. 60 and 62 Sixth St., near Maine, Louisville, Ky.

Inclosure 7 in No. 17. Inclo. 7 in No. 17.

(B.)

Mr. Lynch to Brigadier-General O'Neil.

Sir, Military Prison, Toronto, July 20, 1866.

I WAS arrested at Fort Erie June 2, with others charged with being connected with the Fenian army on their invasion of Canada, and though protesting I was only so as far as being a reporter to the Louisville Press, through Mr. McDermott, by whose instructions I came to Buffalo for the purpose of reporting the incidents, &c., &c., of the campaign; I have Mr. McDermott's affidavit, with that of Mr. Shea, to this effect. A few days since two men from Fort Erie (one a Mr. Newbiggin, in whose orchard you were encamped), identified me as being in command at the camp and ranking as colonel, which statement he has sworn to; the other, whose name I don't know, identified me also, and made and swore to a statement that on the arrival of the troops at Fort Erie I was in command and forming the men into line on their disembarking at the wharf. I cannot for the life of me see who those men take me for, and how they should be thus mistaken. But such will be their testimony on my trial, which will come off very soon. In order to meet this evidence I must have affidavits to prove to the contrary. I am, therefore, obliged to appeal to you, as having command of the Fenian army which invaded Canada, for an affidavit as to whether you had known me to have any position or command in that army, or in any manner connected with it, either as a Commissioned Officer, non-commissioned officer, or private, or that I could belong to it without your knowledge.

General, as this evidence is very important to me, I trust you will not delay in going before a Justice of the Peace and make this affidavit.

I acknowledged I was at the camp at Fort Erie, but in the capacity of an American citizen without arms, in Canada with no hostile intention, but solely on the business on which I came there. I had a letter to-day from Mr. McDermott informing me of your being at Nashville. As my trial is supposed to come off soon, your early attention to this will much oblige me. I am now in this prison some seven weeks; there are about ninety prisoners here charged with being connected with the Fenian movement.

I have written also to Colonel Starr for a similar affidavit.

I have, &c.
(Signed) ROBT. B. LYNCH.

Brigadier-General O'Neil,
&c. &c. &c.

Direct:
Robt. B. Lynch,
Sheriff Jarvis, Toronto.

No. 18.

No. 18.

Copy of a DESPATCH from Governor-General the Right Hon. Viscount Monck to the Right Hon. the Earl of Carnarvon.

Quebec, December 1, 1866.

(No. 204.) (Received December 17, 1866.)

My Lord, (Answered, No. 121, December 28, 1866, page 83.)

I HAVE the honour to transmit, for your Lordship's information, copies of the Judge's notes in the trials of five Fenians prisoners recently convicted at Toronto.

Motions for new trials in some of these cases have been made, but have not been decided on. The time, therefore, has not yet arrived for any interference by the Executive Government in regard to the execution or commutation of the sentences pronounced on the prisoners.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

Copy of Judge Wilson's Notes in the Queen *v.* John Quin.

Indictment under the Foreign Aggression Act. Mackenzie moves to put the trial off. Grounds not sufficient.

McKENZIE says since the Crown will not consent to the delay, he will challenge the array as was done yesterday. Prisoner moves to quash the array on grounds stated in the challenge filed. The Crown takes issue upon it.

I appoint Richard Porter Stephens, Charles V. Warmoll to be Triers.

John McNabb, sworn. I am Clerk of the Peace in and for the united counties of York and Peel. I have the Jury Lists and books relating to jurors in my office. My office is in this block of buildings. I have not the papers here.

McKenzie moves to put off the trial—refused.

Mr. McKenzie moves that I order Mr. McNabb to produce the books. I have no authority to order it.

Mr. McKenzie moves that the cause be delayed ten minutes—granted.

He moves that I order Mr. McNabb to produce the books. I say he has the process of the Court. If it is disobeyed, I am prepared to punish for disobedience to it.

McNabb re-called. I have been served with a subpœna to produce these books. I have not the books. I do not produce them. (It is about twenty minutes since he was served.)

I asked Mr. McKenzie if he has any motion to make against Mr. McNabb, he says not. No further evidence is given on the challenge. Verdict for the Crown.

John Metcalfe, sworn. I am a private in the Queen's Own. Same description as before.* Government of the United States and Great Britain were at peace. The prisoner has made a statement to me. I held out no threats, made no promises. He said, I am an American citizen, a sailor by trade, a native of the county of Armagh. I resided usually in Rochester, my last place of residence was Buffalo. I was arrested first at 6 A.M. on Sunday, the 3rd of June, and I was discharged. I was arrested a second time two hours afterwards by some soldiers of the 47th Regiment. At this time I was drinking in a tavern, and was very drunk, and I was drunk the day before.

Cross-examined. The statement in the book I have was made in June. McNabb wrote in the book in my presence. He was a prisoner undergoing sentence for obtaining money under false pretences. He is not the best of characters. I will not say prisoner said, I am a citizen of the United States. In the book it is said, I am an American citizen. I read over to prisoner what was in the book.

Re-examined. I understood he meant a citizen of the United States.

George Whale, sworn. I live below and near Fort Erie on the River-road, three miles below the Newbigging Farm, just south of the town line. The Fenians came on Friday night, the 1st of June, between 10 and 11 P.M. There were 500 or 600 of them. They took my boots and pants. They wanted me to show them the road to Ridgeway. About 12 they went to the town line, and along the town line 1½ mile from the river. They stopped and camped there all night. On Saturday morning at sunrise they started. I took them through a cedar swamp. They could not take their waggon through with ammunition. They left it, and threw the ammunition in the water. I saw the prisoner, and was given in his charge with three others to go ahead. An officer, who wore a sword, put me in

* See Whalen's case, as to affair at Ridgeway.

charge. The officer said, take care of me, and march along. Prisoner was not armed, the others were. The officer came about 1 o'clock, and said these men (the prisoner and other three who had me) have been on duty all day and must be relieved. They were relieved by eight others; I went through the cedar swamp with them, and asked them about 6 A.M. if they would let me go, and they allowed me to go home. I saw the prisoner just before I left standing by a fire speaking to the others. Cannot say what they said. I did not see him till I saw him here.

Cross-examined. I was with the Fenians. They made me go. I was at their head. I cannot say how they marched in the night, but when they started they were in military array. They said they would not hurt me. They were going to Ridgeway. Between 10 and 11 they came to my house. I was put in charge of the prisoner between 11 and 12. He had a grey coat and low hat. He was in the road when I first saw him. It was moonlight outside of my house when I first saw him in the road. I saw him after daylight. I was given in charge to him. The officer said to prisoner, and the three that were with him, take this man in charge and go ahead. The prisoner and the three men went ahead with me. They were ahead, I believe, and the army behind me. I left about 6 in the morning. They camped out of the cedar swamp. I swear the prisoner is the man I marched with. I cannot say he was forced to go.

Edward Armstrong, sworn. I belong to the Welland Battalion. I saw prisoner at Fort Erie at 3 P.M., on Saturday, the 2nd day of June. After the fight, the prisoner helped to take me prisoner as we came out of the house. He rode a grey horse and was armed. He had a gun. After they took us, about eighteen of the Welland Battalion, they took our guns and belts from us, formed us two deep, and took us to the fort. They had two or three flags. As we were being marched up the road, the prisoner rode to where they had a large green flag and dismounted; soon after I saw him ride up to us, and he went to the fort where we were taken. I saw him two or three times after. I saw him on Sunday about 6 A.M. at Fort Erie. He was then a prisoner. He is the man I saw there.

Cross-examined. It was about 4 P.M. on Saturday I saw prisoner. He was with us when we marched. I took him to be an officer from the way he gave command. I cannot say he was drunk. He had a good deal to say. He seemed more excited than the rest. There were 500 or 600 men marched up with us. There were three others with him in the boat, whom I could not well recognize; one, I think, I did. This man is the only one I could swear to; when I went into gaol, the turnkey ranged them by the wall, and I recognized the prisoner, and said he was the man I saw at Fort Erie armed. No one pointed prisoner out to me. He was the man I saw at Fort Erie armed. Last time I went I pointed out the prisoner. I did not know prisoner's name, I pointed him out. They told me his name was Quin.

Nelson Forsyth, sworn. I live at Fort Erie. I recognize the prisoner. I saw him on Saturday, 2nd June. When I first saw prisoner he was standing by a grey horse with a short rifle. A lump of a Fenian lad wanted the horse; prisoner struck him with the rifle, and knocked him over. He seemed a little intoxicated, as far as I could judge. I walked away. This was about 5 P.M. I saw prisoner about 7 standing guard with another, both armed with rifles, over Mrs. Bristow's door. She keeps a tavern there. I went up and spoke to him; I examined his gun, which he handed to me. He showed me how it was loaded. It was a Spencer breach-loading rifle. He gave me to understand he had come from Tennessee; had been in Moseby's Guerillas, and that the gun had done good service in the Southern war. I next saw him on Sunday about 8 A.M., and the same one who was with him, almost at the same place. I saw Mr. Tupper, a Government Detective, standing close by them; he asked if they were Fenians, and I said yes, they were standing the night before.

Cross-examined. When he had the horse he seemed intoxicated. This was about 5, but at 7 he was straightened up and was on guard. He was not armed on Sunday when I saw him. He was dressed in a plain common-looking dirty dress and a slouched hat. He had very little beard. I could recognize him among a thousand. His face was blotched more than now; very dirty looking. I think he had grey clothes. His arms were different from the rest. I am sure he is the man.

E. Tupper, sworn. I was at Fort Erie on the 1st June last. I saw the Fenians on the way up to the Fort Erie, and back of it. They were armed. I did not see prisoner till Sunday, the 3rd of June, opposite Mrs. Bristow's. He was with another man, and I was told they were Fenians, and arrested them. He said he had gone over to the other side on Friday, and returned that evening. He said he belonged to Rochester.

Lorenzo Bristow, sworn. I am past thirteen. I am a son of Mrs. Bristow, who lives at Fort Erie. I have seen prisoner at Fort Erie. I saw him on Saturday after the fight, at 4 P.M. He had a grey horse walking about. He was armed. He had a carbine.

He was on guard that night at my mother's house. He made me a present of the grey horse and I might have the gun. He left the horse in the barn for me, but a man claimed the horse from Ridgeway, and gave me 2 dollars. He was on guard in the morning and till the soldiers came.

Cross-examined. He had a wide-rimmed hat. Was sober. He was at our house from Saturday till Sunday. He was on guard and they left him. He gave me the horse before he was taken prisoner. I do not know whose horse it was. Prisoner is the man. I saw him first on Saturday between 3 and 4. He had the horse and was sober. He remained about our house. He got drunk on Sunday morning and I think on Saturday. I got the gun and have it now, it is a breech-loader.

Joseph Schryer, sworn. I saw prisoner on Saturday afternoon between 5 and 6, with Colonel Hoy, enquiring about prisoners the villagers had captured. Prisoner rode a grey horse and had a Spencer breech-loader. They asked where the prisoners were. I said, in the Tugg Robb. They went and examined the Court-room and found they were not there.

Cross-examined. Prisoner had a slouched hat, a long coat. I cannot say he was intoxicated. He rode straight. Colonel Hoy rode also. I saw him next in gaol in July here. I recognized him the moment I saw him. I cannot tell how I know him but I do know him. Prisoner had no uniform.

John Ray, sworn. I saw prisoner on Saturday 2nd June, about 4 P.M. at Fort Erie. A good many were with him. We were driven into Lewis Tavern and there taken prisoners after the fight. Several came in after we surrendered. One took me and ordered me out to fall in as a prisoner. I went out at another door and tried to get away. Prisoner followed me on a white horse; he said, stop or I will shoot you. He had a short gun in his hand. He rode in front and said, if you do not fall in as a prisoner I will shoot you.

Cross-examined. This was about 4 o'clock. He was excited but I cannot say intoxicated. He had a broad low hat and a grey coat. There were a good many prisoners and 400 or 500 Fenians who marched us up to the Fort. I recognized the prisoner and McMahon. There was another man in gaol whom I saw on Friday. The prisoner had little beard. I said to him on Sunday, you are the man who drove me in yesterday. He did not deny it.

Adam King Schofield, sworn. I am a Lieutenant in Welland Canal Battalion. I saw prisoner first at Fort Erie, at Mrs. Bristow's, before 6 A.M. I arrested three together. Prisoner was one. I asked where their arms were. They said round the house. Mimmo went and brought three Fenian rifles.

Cross-examined. He was in front of Mrs. Bristow's in Fort Erie when I first saw him. He had a great coat, slouched hat, and brown pants. I saw him next in gaol. I recognized the prisoner at once.

Case for the Crown.

Objects there is no evidence to show he is a citizen of the United States.

Mr. McKenzie objects there is no proof of his being a citizen of the United States.

He makes the same objections as in Hayden's and Whalen's cases.

Verdict, "Guilty."

Mr. McKenzie moves in arrest of judgment on the same grounds as in Hayden's and in Whalen's case.

Sentence to be executed on the 13th day of December next.

(Signed) J. W. WILSON, J. C. P.

COPY of Judge WILSON'S Notes in THE QUEEN *v.* THOMAS SCHOOL.

Indictment under the Foreign Aggression Act. Two sets of counts: 1st, three against him as a citizen of the United States; the 2nd, three as a British subject.

McKenzie objects that there are two sets of counts. The Crown should now elect which they go on, and that the prisoner ought not to be called upon to answer both.

Overruled.

John Metcalfe, sworn. I am a private in the Queen's Own [see evidence in Whalen's case as to affair at Ridgeway]. I know the Governments of Great Britain and the United States are at peace. The prisoner made a statement to me. I held out no threats or promises. He said, I am a native of the county Tyrone, in Ireland. My usual place of residence is Buffalo. I work as a puddler. I was arrested in a house in Fort Erie, on Saturday the 2nd day of June, between 8 and 9 A.M., while talking to two women in the

house. I crossed over the river in a small boat by myself on Friday afternoon about 4 o'clock.

Cross-examined. It was about the end of June he made the statement. I cannot tell what part of the gaol this was taken. I read it over to him since and he said it was correct. I did not read from the book but from a copy of it which I have not. I referred to the book this morning before I came into Court. I have seen the book since. I saw McNab write down what they said. The statement was read to every prisoner after it was taken and they assented to its being correct. The statements were taken that any that were not guilty might be let go. I cautioned him that the statement would be used as evidence against him. I should not like to swear against this prisoner without referring to the book. I read to prisoner from this book in October last (the book was produced).

Re-examined. I read his statement to the prisoner from this book in October. The prisoner admitted it was correct. "Was arrested on Saturday morning 2nd June, 1866, between 8 and 9 o'clock in a house at Fort Erie, talking to a couple of women in the house; crossed over from Buffalo on Friday 1st of June, at 4 o'clock P.M., in a small boat by myself." I read this over and he said it was correct.

Cross-examined. The prisoner has been in as one of the Fenian prisoners since June.

Dennis Sullivan, sworn. I was at Fort Erie at the raid. I saw prisoner at the Lower Ferry on the 1st of June. He was under arms. I was a prisoner under the prisoner. He was armed with a rifle and fixed bayonet. I saw him brought to the Ferry Dock on Saturday as a prisoner.

Cross-examined. I am in the Royal Canadian Rifles. I do not know who arrested him. I saw him first at the Lower Ferry about half-past 4 A.M., 1st June. I was held prisoner there for two hours and a half. I did not notice his dress. He had a cloth cap. Prisoner and seven men and a sergeant had me in custody. He was sober then but he was drunk on the Saturday. Barney Dunn and McGrath were on guard with them. I was made a prisoner on the 2nd of June, about 3 o'clock P.M. On the 1st of June he had a fur cap, on the 2nd of June he had a straw hat. About 10 A.M. I saw prisoner, he seemed tired and sat down, seemed under the influence of liquor. He had a rifle on Friday with a bayonet. He heard I had been arrested on my way down, and when I came to the Lower Ferry the guard was detailed to keep me prisoner. The prisoner was one of the guard. He was sober then but was drunk on Saturday. He was guard over me off and on.

Joseph Schryer, sworn. I was at Fort Erie on the 1st of June, 1866. I saw the Fenians marching on the bank of the river towards the village armed, marching principally in a body, between 5 and 6 o'clock. I saw prisoner between 8 and 9 in the morning armed with a Fenian rifle and fixed bayonet. There was a military escort sent from the Fenians to bring in stragglers. My attention was called to a scuffle. On approaching I found the prisoner drunk and two men were trying to take him with them, but he was unwilling to go. He had his rifle and fixed bayonet, and came near sticking one of them. I saw him on Saturday about 10 A.M. brought in a prisoner. He was sober then.

Cross-examined. I saw him between 8 and 9. The men who tried to take him appeared to be armed—so was he.

Edward Henderson sworn. I am a private in the Welland Canal Battery. I have seen the prisoner. I saw him on Saturday, the 2nd of June, about 1 o'clock P.M. in the Court-house at Fort Erie. We had brought in a prisoner. I asked where he came from. He said from Toronto to look for work. He had left Toronto on Friday morning.

Cross-examined. He was sober then—about 1 P.M. He was then in the Court-house, a Fenian prisoner, in custody of Acting-Master Burgess of the Naval Brigade.

Re-examined. The villagers brought in the prisoners there for safety.

Case for the Crown.

James Conlin, sworn. I reside in Buffalo. I know prisoner. I saw him on 31st of May, on Thursday, in Buffalo, under the influence of liquor. He called at my house at 6 P.M. under the influence of liquor. He wanted me to drink from a bottle he had. I wanted him to go home, but he was unwilling. I took him in to tea. He took some, but did not eat. I said then, Tom, go home to your boarding-house. He wanted me to drink. I took him part of the way home, but he met with some people, and he went with them. I went to the Fenian Head-Quarters. On my return I met him very drunk. I said, I thought you had gone home. I said, go home or you will be somewhere you ought not to be. He said thats so. I said go home, and I led him up Ohio Street, but he was so drunk I was ashamed, and he fell. I met him again with his bottle soon after, and about 12 o'clock on Thursday night, I saw a party of Fenians marching along. I met prisoner with Bernard Riley leading him along drunk.

I said, he is not fit to go over. He said, I am going to send him over. I followed, and at the landing I saw prisoner drunk. I said, now is your chance to get away. I tried to prevent his going, but they pushed him into the boat. I jumped in and tried to get him out, but I was pushed out and the prisoner pushed into the hold of the canal boat. I saw him on Friday afternoon, about 3 P.M., on Mackinnan Street, in Buffalo. I said, is it possible you are here? He said, yes, I ran away from them. He is a quiet hard-working man, but drinks hard. Is not very bright. Is easily led. He is very foolish when drunk, and hard to keep track of him.

Cross-examined. He has been in the Buffalo Ironworks. There are some Fenians in the mill. One of the men who worked in the mill had told of him. On Friday afternoon he was drunk. There was a great deal of excitement and a great many civilians. The first boat crossed about 1 or 2. I saw three boats cross. There were boxes containing arms, which were broken open in the boats. Most of the crowd were Irish, and the English, and Scotch, and Americans had to keep quiet. I do not think any appeal to that crowd would have been of any use. They pushed me ashore because I was not a good-enough Fenian for them. I am not Irish. I am a native of Glasgow in Scotland. I suppose they thought when prisoner was sobered-up he would be of some use to them.

Ann Jenkins, sworn. I live in Buffalo. I am married. My husband's name is John Jenkins. He is boss in the Union Ironworks in Buffalo. We have been nearly three years in Buffalo. I know of prisoner for about six months. My acquaintance with him is slight. When he is drunk he loses all command of himself. I remember the 1st of June. I saw prisoner between 3 and 4 P.M. He was intoxicated then. I did not see him afterwards.

Cross-examined. My husband is boss. There are a great many men working there. Some crossed to Canada. The mills were not running on Friday. I cannot say on Saturday. The men had gone to Canada. I cannot say whether they had crossed or were going to cross, but I think it was Friday. I do not remember excitement on Thursday. Prisoner never came back to work. Prisoner came and inquired for my husband. He was drunk. He acted "quite simply." He moved in a state of intoxication. He moved about in walking. I looked after him a few moments. He was staggering.

Kate Jenkins, sworn. I am twelve. A daughter of John Jenkins. I knew prisoner for about six months. I had seen him many times. I heard the Fenians passed over on Friday morning; on that afternoon between 3 and 4 o'clock I saw him. I cannot tell whether he was drunk or sober. I saw him on the street.

Cross-examined. I saw nothing with him, he was alone. It was the day after they had gone over. I saw no gathering on Thursday. I saw him on the last day of school that week. It was Friday.

Re-examined. I heard father and mother speaking of prisoner that evening, but I said nothing about it till I came here.

John Jenkins, sworn. I superintend one branch of the works at the mill. The Puddling Department, which employs 150 men and boys. About 300 men in the mill. The puddlers struck in May, because of a reduction in wages, and they were on the strike all May. I have known prisoner since 1859. He has worked with me since, except one year. He is an industrious man addicted to liquor sometimes. He is a fool then. When sober he is quiet. His character is peaceable. I did not see him on Friday or Saturday. He came to my house on Thursday. He was affected by liquor.

Cross-examined. This was about 3 o'clock. The Fenians were talking of going over. He told me the Fenians had been talking of going over, but he was not. I was at home on Thursday. The prisoner had not been at work from the 1st of May. He was running about the street. Some of the men from the mill went over. Some two or three. I had not seen him from that time till now.

James Quin, sworn. I reside in Buffalo. I work about as I can get work. I know prisoner. His character is good. He is fond of liquor. Barney Riley came to my house about 4 on Friday, and tapped me on the shoulder and said, are you ready? He said yes. He was drunk then. I did not see him again. I cannot say where they went. He was full of liquor. My boy could lead him where he liked.

Cross-examined. Barney Riley did not say were he was going. Prisoner did not say where he had been or was going. I have seen Barney since. Black Rock is two or three miles from Buffalo. Prisoner brought a can of beer from Mrs. Norton's to our house. Not a word was said about Canada or the Fenians. They walked off together. I am not certain what day it was Thursday, Friday, or Saturday. I think Friday, the day after Barney went away. I heard it from the papers. The day after I saw the Fenians had gone to Canada, from the papers.

Re-examined. I think it was Friday.

Close of the Defence.

"Guilty" on the fourth and fifth counts. "Not Guilty" on the other counts. Mr. McKenzie is understood to have made the same objections to my charge as in the other cases. The Crown understanding that this was his intention in all the cases.

Mr. McKenzie moves in arrest of judgment, on the same grounds as in the last and former cases of conviction, and that the offences charged in the fourth and fifth counts are not offences created by the second section of the Act. That the offences in the fourth and fifth counts are distinct offences, and that a joint judgment cannot pass upon them.

Crown does not reply.

I do not concur.

Prisoner sentenced to be executed on the 13th day of December next.

(Signed) J. W. WILSON, J. C. P.

Copy of Judge Wilson's Notes in the Queen v. William Slavin.

Indictment under the Foreign Agression Act.

John Metcalfe, sworn. I was a private in the Queen's Own. I was at the battle of Ridgeway on Saturday 2nd June last. The Queen's Own, the 13th Batallion, the R. Company for Caledonia, and another company. We were in uniform. We were attacked by the Fenians at Lime Ridge. They were in considerable force, armed. I saw Lieutenant McEachren wounded a little in front of me, and I saw him dead afterwards. A man was shot by my side. I am employed now at the Old Gaol where the prisoners are. I know prisoner. I made no threats, no promise. I cautioned him that anything he might say would be used as evidence against him. He told me he was an American citizen, a native of New York; a gilder by trade; a Roman Catholic in religion. He came from a place in New York called Howeye, near Rochester. He crossed over from Buffalo to Fort Erie in a skiff, on Thursday, the 31st May, between 6 and 7 in the afternoon. He was arrested on Saturday, between 10 and 12 o'clock, in a cider house. He was asleep at the time of his arrest. He did not know what part of Canada he was in at the time. He did not know Fort Erie. A man by the name of John Hughes crossed over with him; a man he did not know, and paid his passage over. He said he had been in the American army.

Cross-examined. I am a turnkey in gaol. I was not directed to take these statements. I did it as a matter of duty. I know it as a fact that Great Britain is at peace with the United States. Prisoner is deaf. He did not tell me how he got deaf. He said Hughes and he came in a skiff with a man they did not know. I marched there with my officer, and did as I was bid. I fired. I cannot tell how many shots I fired. It commenced at 7 A.M., and lasted over an hour. On my way from Ridgeway I sometimes went with one, sometimes with another. I did not get to Fort Erie till Monday.

John Stockdale, sworn. I live in Bertie, about a mile from Newbiggins. I saw prisoner alone in front of my house, on the road, on Saturday morning, about 4 o'clock, A.M. He had what I suppose was a Fenian rifle. It had had a bright barrel with a bayonet on it. I saw the rifle afterwards; he gave it to me. Jos. Newbiggin and William Miller took him prisoner. They wanted to know where his arms were; he said he had none. They saw the rifle. I handed it to Captain King. I went to the road in the morning. He came up to me and handed me the rifle to take care of. He asked if I had any place he could lie down, for he was tired. I said I had, and took him to my cider house, where he laid down on the straw, and I gave him a blanket to cover him, and shut the door and left him there. He said, "I have been out all last night." I said, "Have you been with the Fenians?" He said, "Yes." He told me he had left them at a place which I know was down on the town line, between Bertie and Willoughby. This would be three miles from Lime Ridge. The Fenians left the camp in a body between 9 and 10 in the evening of the 1st of June. They passed my place, and encamped about three miles further on. He said he laid by the fence till the main body passed, and he then returned.

Cross-examined. I live in Bertie, three miles and a half below Fort Erie, on the river bank. I saw no rifles or bayonets but the one prisoner had. He said he picked it up about a mile below my house on the road. He said he had been with them, and I think he said he was not a Fenian. I saw no others at that time but the prisoner. There had been four there at my house wanting liquor to drink before he came. He was perfectly sober. I think I gave him a glass of cider. I think he had no breakfast. He laid down and went to sleep in my cider house. I saw lots of arms about the camp at Newbiggins.

He said there were a dozen arms where he picked his up. Prisoner is hard of hearing. He said he was hard of hearing. He had been in the American army—in the artillery. Had lost his hearing. He said he did not know the Fenian watchword, and he was afraid he would be challenged and shot. He said he had been with them the night before, and got away from them that morning According to his story, he was with them all night. I think he said all night.

Re-examined. He said he had found the rifle about a mile down from my house. I understood he was afraid of our force as well as the others, from his deafness.

Joseph Newbiggin, sworn. I have seen the prisoner before, I saw him in Mr. Stockdale's cider house, about 9 in the morning. He was lying asleep. He woke him up. I made a prisoner of him. I saw a Fenian rifle in the cider house which I understood belonged to him. Their rifles had bright barrels, and were different from any I had seen. The locks were marked "Bridesburgh." I saw lots of them about after. I saw between 250 and 300 rifles destroyed, some were burned, some smashed against trees. I supposed they had more rifles than men. The rifle he had had a bayonet on it. I did not hear what he said. I cannot say I heard him make any statement.

Cross-examined. I saw the rifles on our farm. No stranger was allowed to take rifles from our farm. If I had seen any I should have taken them from him.

William Miller, sworn. I was at Stockdale's on the morning of Saturday the 2nd June. The prisoner was there. He said he had no arms. Stockdale handed a rifle to Captain King, and said it was the prisoner's, but not so loud as prisoner could hear it. I do not know whether he saw this done.

Adam King Schofield, sworn. I am a Lieutenant in the Welland Battalion. I saw prisoner on the morning of the 2nd June as he was marched out of a cider house, three miles below Fort Erie. He was with Captain King and his men. There was a Fenian rifle brought out. Prisoner said he had come over to get work. I did not hear much of the conversation. The W. C. Field Battery were attacked on that afternoon. (McKenzie objects that prisoner is not responsible for anything that was done after he was taken.) The Crown answer they do not charge him with what they did, but offer it as evidence from which their intentions in coming are to be inferred. (McKenzie further objects that nothing they did while he was not present is evidence against him.) The Fenians attacked the W. C. Battalion and the Naval Brigade at Fort Erie. The battalion was 54 men and 3 officers. The Fenians were several hundred. Captain King was shot through the leg, below the knee, and it has been amputated, and four others; Fergus Schofield was shot through the leg, which has been amputated; John Bradley shot through the leg, about the knee, and since amputated; Robert Thomas and John Haverton shot through the legs, but not amputated. We were in uniform.

Case for the Crown.

McKenzie objects there is no evidence on the first and third counts. As to the third count, there is no evidence he was in arms against Her Majesty. No evidence of his intent to levy war. No statute in force. The statute in force when this offence was committed was repealed.

Defence.

John Hughes, sworn. I know prisoner. I met him in New York city. He had engaged last April to work in Honeoye, in the state of New York. He left that on the 23rd or 24th May. Prisoner and I went to Rochester. Then we walked to Buffalo. Prisoner could not get work in Rochester. We went first to the Falls; then went to Buffalo, and got there on the 31st May. Prisoner called on one James Dandridge, who is a carver and gilder, to see if he could get work. Dandridge works with Teller and Corning. I did not see Dandridge myself. Prisoner did not get work, there was no room for him to work there. Dandridge gave him three dollars. As we were passing on to Buffalo a man beckoned to us, and asked if we wanted work. He said, "if you want work you can get it on the Erie and Ontario road, and a dollar a-day Canada money." Junius was the man who called us over. Two men gave us an order to pass over the ferry to Canada on Thursday. We went and went to the superintendent's house, but did not see him. A man asked what we came for. We told him, and he referred us to the foreman, whom we saw. We said we would work for a while at least. He sent a boy to take us to Smith's, to ask him to board us. We had supper, and slept at Smith's that night. There was then no excitement. Smith told his wife to get us breakfast, but while it was getting ready the Fenians came over and eat everything up. I was going out, to go to the foreman's, but two men with guns prevented me. I remained over an hour, we could not get out. I said I wanted to go to work. They said there would be no work done there that day, except what they did. After we got out, I tried to find the foreman. I and Slavin were partly in the woods, and laid down not far from Smith's. We wandered about all day.

I parted with Slavin at 5 P.M. He said we had better get to some house, for if pickets are thrown out we may get shot. I said we had better get into some house and hide for the night. We went to the ferry, but having no money the ferryman would not take us back. I saw hundreds of armed men about. I supposed they were Fenians. Prisoner left me about 7 or 8 to sleep in a barn. I saw prisoner next in the tug under arrest. Prisoner was under liquor on Friday. He got it at Smith's. He could walk. I saw arms scattered about on Friday. Boys were picking them up. We were kept in Smith's an hour and a half.

Cross-examined. I was taken prisoner by both parties. Slavin came on a ferry-boat, not in a skiff. No one paid our bill. We had a bill to pay. We did not pay our ferriage. I do not know who paid it. We went to the foreman, then to Smith's. We got over about 5 or 6 in the evening of Thursday, and slept at Smith's. We got up at 5 A.M., and first saw the Fenians three-quarters of an hour afterwards. I was arrested at Fort Erie on Saturday morning. I had not gone through a pond of water when I was arrested. It was one mile and a half from where I parted from Slavin. I slept out all night in the woods. I had no pistol. Prisoner had no rifle. I had wandered about all day, laid down in the woods sometimes. No guard on the ferry. I had heard of the Fenians, but I did not belong to them. I am an Irishman. I had known prisoner only from the time we left. I was arrested between 9 and 10 on Saturday morning. I threw down nothing before I was arrested.

James Dandridge, sworn. I reside in Buffalo. I am an ornamental designer, and work with Teller and Corning. I know prisoner. I first knew him in 1857 or 1859. Prisoner was a preparer of picture frames for gilding. He was a steady man, a first-rate worker. We worked together in Boston in the same shop. I next knew him at Baddu Ferry, in the army of the United States. I next saw him on the 31st May last, at Buffalo. He called to see if I could get him work where I was. I gave him the address of another gilder. He did not get work. I gave him three dollars to help him, being out of means and out of work. He had said he thought he could get work on a railway. I advised him to get it, and work his way to Toronto, where he could get work at his own business. I know Toronto workmen. They did not use machinery at his branch of business. He left to go to get work. He is not a man likely to join this. He is sympathetic and kind friend. He left at three in the afternoon, saying he would look for work.

Cross-examined. I am an Englishman. Have been in the United States sixteen years. Buffalo had then a great many people, Fenians. I asked him if he was one. He said he was not. I gave him three dollars, and that was the last I saw of him.

Mrs. Ann Smith, sworn. I live in Fort Erie. I lived there on the 1st of June last. My husband keeps a hotel there. I saw prisoner and Hughes first at 5 P.M. on the evening of the 31st of May. There was a boy who brought them to my house: he was a stranger. The boy said he had been sent by Mr. McLeod to get these men to board, for they were going to work on the railway. McLeod had sent others. They had several drinks they paid for, some they did not. They had supper. We had only four or five boarders there. Hughes said to Slavin not to pay for the drinks. I then asked my husband if it was right. He said, yes, if they are going to work to-morrow. We had been paid for a few drinks they had in the forepart of the evening. Prisoner went to bed about 10 in the evening. I saw them next morning about 5 o'clock. We were routed up by being told the Fenians were there. I awoke them, and they got up. It was about 5 o'clock. The Fenians got to our house about 5 o'clock. They came in and ordered breakfast. They said they would arrest every man. They placed a guard over every door. I got breakfast for them. They said I must get it. They did not leave me much. The Fenians said to Slavin and Hughes, who were cutting up, and saying they were not Fenians, "if you do not shut up, we will take you prisoners." Hughes and Slavin were the prisoners of the Fenians, and I heard them say they were not Fenians. One of them, the prisoner or Hughes, said there will be no work done here, we had better go to the other side. I heard them say they had been hired by McLeod to go to work next day. He used to hire men. I thought they had been drinking. They got breakfast at 8, both. I waited on prisoner myself. I did not see them after 20 minutes past 8. I saw men of Fort Erie on Friday afternoon carrying rifles to the Custom-house. Rifles and canteens were lying about all Friday and Saturday. The parties who brought me here were looking for McLeod.

Cross-examined. Slavin and Hughes were brought to my house by a boy. They told me so. They had been working on that road the week before. I think they were working on the road the same week. Some of the men boarded with us. One man by the name of Mack, used to board a week or two before this. I cannot mention one man who boarded with us on the 31st May. I did not see McLeod for a week before that time, nor since. Slavin and Hughes said they had been sent by a man by the name of McLeod.

Hughes, I think, said so in Slavin's presence. The four or five who boarded with us then were not railway workers. They were not engaged at that time. The only two that left our house on the 1st June were Slavins and Hughes. The men who came across were Fenians. Slavins and Hughes said, they were no Fenians, and were trying to make their way out. The Fenians would not let them. While the Fenians were at breakfast they were kept prisoners. They took breakfast with a few of the Fenians. I knew of nothing to keep them there after breakfast. The prisoner and Hughes did not leave till 10 o'clock. I heard one say to the other, you had better keep the three dollars. Slavin, I think, spent 50 cents after this. We trusted them on the faith of their working on the railway. The Fenians went away between 9 and 10. A few remained about. It was towards evening the arms were scattered about. The guns had bright barrels. Our house was searched for Fenian arms on Sunday. They found nothing but me. I did not see Slavin or Hughes.

Re-examined. Neither Hughes nor Slavin had arms, and seemed strangers. It is not usual to remember names. People did board there, although I do not remember their names. My husband keeps the time of the boarders. I attend to the kitchen and bar sometimes.

Defence.

Verdict "guilty" on the 2nd count, "not guilty" on the 1st and 3rd counts.

McKenzie moves in arrest of judgment on the following grounds:

1. That it appears on the face of the indictment, that the offence charged against the prisoner was committed in the county of Welland, and the indictment therefore could not be legally preferred against him under the statute 29 & 30 Vict., cap. 4, sec. 3, in this Court. It being a Court for the United counties of York and Peel. The authority of the statute being restricted to single counties, and that the verdict and the indictment are illegal.

2. That the prisoner is charged in the 2nd count with an offence different from that created by the statute against citizens of a foreign State, and unauthorized by the statute against such citizens. That the offence charged in the 2nd count of the indictment, was committed on the 2nd day of June, and before the passing of the Act passed on the 10th August, 29 & 30 Vict., cap. 4.

Mr. McKenzie meant, he says, to take the same objections as was taken in the Queen *v.* Parry. The Crown say they so understood it, and he has the same ground here taken. I do not see anything in the objection taken in arrest of judgment.

Sentence, that the prisoner be executed on the 13th day of December next.

(Signed) J. W. WILSON, J. C. P.

Copy of Judge Wilson's Notes in the Queen *v.* William Hayden.

Indictment under the Foreign Aggression Act.

John Metcalfe, sworn. I am a private in the Queen's Own. I was at the battle of Ridgeway, on Saturday, the 2nd of June, at about 7 A.M. The Queen's Own, the 13th Battalion, and the Caledonia Rifles and the York Rifles—I think, all Canadian volunteers, and all in uniform—we were attacked by the Fenians at Lime Ridges; I cannot say the number, but in considerable force. They were armed; they fired on us. I saw Ensign McEachren wounded, in front where I was, and I saw him dead afterwards. I saw a man shot dead by my side. The force which we met were embodied, and in arms, and called themselves Fenians. I saw prisoner in gaol. I made no threats; no promises. I gave him the usual caution. He said he was an American citizen; used to work on steamboats, and a native of Louisville, Kentucky. He had no home; he last came from Buffalo. Great Britain and the United States are at peace, and were so then.

Joseph Newbigging, sworn. I live near Fort Erie; am a son of Thomas Newbigging. On the morning of the 1st of June, 1866, about daylight, I saw the Fenians come from the state of New York, and cross in four canal-boats, towed by two tugs, and they landed on this side, at the Shingle Dock, or Lower Ferry. They appeared to be 700 or 800. Most were in plain clothes; some had green tunics; some American uniform, undress; some partly trimmed in green. They carried arms, and were armed. I saw the prisoner that day, between 5 and 6 in the evening. He was dressed in plain clothes; a green veil about his neck. He had a cartridge-box, slung by a belt around his waist. He had a Fenian rifle and bayonet. He rode a roan-coloured horse, which I learnt belonged to the N. E. Railway Company. He spoke to Cranmer Ricely, who stood near me. He said, "Give me the rest of that money." He pulled out his pocket-book, and said, "I have

but very little left; I gave you nearly all I had before." The prisoner said, "You have lots of money." He gave prisoner 80 or 85 cents, in 10 and 5 cent pieces. Ricely asked him if he would not keep the boys away. Prisoner said he would now he had something to treat them with. That was the first and last time I saw him. This happened at Ricely's house, which is 1¼ mile from where they landed. I was there at tea. He is a farmer there. It was between 5 and 6 in the afternoon. We were sitting outside, with one William Miller. The prisoner rode to the gate, and we went to meet him.

Cross-examined. Most of them were armed. Some wore green tunics, but most had civilians' clothes. Prisoner rode down towards the Shingle Dock when he left the lane leading from Ricely's house. I saw prisoner in Toronto; I picked him out at once. Ricely's house is about two miles from the Fenian camp. There is no road across from his place to the camp. You go by the river road and Anderson's road, which is over 2 miles; straight across would be 1½ mile. He was alone. No work going on the road. Fifteen horses belonging to the N. S. Railway Company, at pasture at Mr. O'Connell's, near Fort Erie, were taken by the Fenians. This was one of them. Ricely said in prisoner's presence that he had been there four times that day before for money. The rifle he carried was the same as the Fenians carried; they had steel mounting and bright barrels. Ours have brass mounting. They left our farm in the night of the 1st of June. When I saw prisoner the main body were on our farm. I had just gone from there to Ricely's.

George Graham, sworn. I live 3 miles from Fort Erie, on the Anderson road, half a mile beyond Ricely's. I saw the prisoner on Friday, the 1st of June, about 5 P.M. I saw prisoner, as I supposed, first at Ricely's. I saw him on a black-roan horse. He passed me riding furiously. I saw him afterwards standing at a shoemaker's shop, in front of my place. I put my cows up, and went over to him. He was armed with a rifle, having a bright barrel and a bayonet fixed; the same kind of rifle the Fenians had. He asked me what I was. I said, "An Englishman." He said, "We have come over, and the country is taken; the hated Saxon rule is extinct." He asked for a quarter of a dollar. I said quarters were scarce. He said, "Get it," in a commanding tone; "I want to get something to drink." I went to my house, and got it, and gave it to him. He gave it to a little girl there. He left then. He appeared to be a little under the influence of liquor. He had a kind of green veil or sash round his neck.

Cross-examined. I saw him on Sunday next. I recognized him at once; but I did not point him out—another man did it. I live half a mile beyond Ricely's. He was alone at the times I saw him. He was a little under the influence of liquor. He said, "The country is taken; the Saxon rule is extinct." It was after he said this, I think, he asked for the quarter. I do not know when they left the camp. I heard the firing when they withdrew the pickets. I saw prisoner next in July.

Re-examined. He was not much intoxicated; he knew what he was saying.

William Miller, sworn. I live 5 miles below Fort Erie, on the bank of the river. I was at Mr. Ricely's 1¼ mile back from the Lower Ferry, on the Anderson's road. I had heard of the Fenians crossing. I saw prisoner four times on the 1st of June; first at Mr. Ricely's. He rode up to the gate, and called me up, and asked me to get him something to eat. This was about 2 o'clock. He was on horseback; had a rifle and bayonet such as the Fenians use. I got him something to eat, and he went away. In about three-quarters of an hour he came back, riding and armed as before. He rode into the yard, dismounted, turned the horse loose, came up to Ricely, and asked for 2 dollars. He said, "I want to treat myself." Ricely gave him some money; he asked what they had come over for. Prisoner said, "We have come over to take Canada;" or, "We have taken it, and we are going to free Ireland." I understood he meant the Fenians. He rode away. About an hour after he came back, as before. He wanted the rest of that money, he said. Ricely gave him more money. He was on horseback, and armed. I afterwards saw him going in the direction of the camp. I saw others straggling about. One of the times he was there, four others came and wanted something to eat—they were armed—and got it. After they finished, they turned to prisoner, and asked if that was satisfactory. He said it was.

Cross-examined. These men went away before he did. I cannot say they recognized each other. They talked together with the prisoner while they were there. Ricely talked with them. I thought he was a little in liquor. He sat his horse very well. I did not know his talk was wild. I think he had all his senses about him. I do not know when he was arrested. I next saw him in gaol here in July. I recognized him at once, and a few others. I have no doubt he is the man.

Case for the Crown.

Defence.

McKenzie reads affidavit, by consent, of character. Good. Was a soldier in the United States' army in 1863.

McKenzie objects to my charge, on the grounds taken in Parry's case. I should not have told the jury that it lay on the prisoner to show he had business there. I should not have said, "Can there be any doubt prisoner was at Lime Ridge or Fort Erie?" I should have told the jury that his riding up and down 2 miles from the camp was strong evidence that his object was private plunder, and that the Crown had to show by direct evidence that prisoner was connected with the Fenians. I did not tell the jury that it lay on the prisoner to show he had business there, except in illustrating how a man may relieve himself from imputation; and I told the jury that a man needed not, unless he chose, to give any account of himself.

Verdict, Guilty.

McKenzie moves in arrest of judgment: That it appears on the face of the indictments that the several offences charged against the prisoner were committed in the county of Welland; and the indictment could not be legally preferred against him in these United Counties, under the 29 and 30 Vict., cap. 4, sec. 3, in this Court, being a Court for these United Counties—the authority of the statute being confined to one county (R. and R. 158, Rex *v.* Hewitt); that the prisoner is charged in several counts of offences different from those created by the statute against citizens of a foreign State; and in the third count he is charged with having committed a direct act of hostility against the Queen not mentioned in the Act at all; that it appears that the offences were committed on the 1st and 2nd June, 1866, before the passing of the statute 29 and 30 Vict., cap. 4, sec. 3.

Sentenced to be executed on the 13th day of December next.

(Signed) J. W. WILSON, J. C. P.

Copy of Judge Wilson's Notes in the Queen *v.* Daniel Whalen.

Indictment under the Foreign Aggression Act.

PRISONER is put upon his trial—on the first juror being called, McKenzie for the prisoner challenges the array, and the prisoner himself challenges the array; and his Counsel states on the following grounds. They are filed. Noon. Court adjourned till 2 P.M.

2 P.M. Court opened.

I have overruled the allowance of the challenge to the array. McKenzie tenders a bill of exceptions to my ruling, which I decline to receive.

5 P.M. Court adjourned till 10 A.M. to-morrow.

10 A.M. Court opened.

McKenzie moves to quash the petit jury list, or to put off the trial until next Court of Oyer and Terminer, or for a rule on the Attorney-General to show cause why the jury panel should not be set aside, or why the trial should not be put off to enable prisoner to move to quash the jury list. See motion paper. Motion refused.

McKenzie moves for a precept to summon a jury *de meditate linguæ*, and it is granted. While the precept was being prepared he declined to have it.

John Metcalfe, sworn. Describes the affair at Ridgeway, the same as his evidence given in Whalen's case. The United States and Great Britain are at peace.

I have seen the prisoner at the bar. I conversed with him. I made no threats, no promises. He said, "I am an American citizen; I was born at Singsing, Jackson county, State of New York. I live a portion of mytime in Adjala, Albion, and Tecumseth. I left Canada about three years ago, and went to Cleveland in Ohio. I left Cleveland for Buffalo on the 30th of May last, to go to Ireland to liberate her. I crossed over with several others to Fort Erie in canal boats. I was wounded at Lime Bridge." I subsequently saw the wounds. The right shoulder, the neck, and the left ear. A wound made by one ball. He had told me he had the wound. He said the reason they retreated was that the officer gave the word right about face, instead of forward; and the fire was so heavy they could not stand it. This he told me at Port Colborne, while he was lying wounded in the hospital. He and another called Partell were wounded and lying in the same bed. I asked them how many they had. Partell answered, about 1,000 men. This was in the hearing of prisoner. I asked who commanded them; Partell answered, Colonel O'Neil. I asked prisoner where he was wounded. He said in the neck. Both said they had been in the American army. Prisoner, with an oath, said their officer had given the wrong word of command; and the fire was so heavy they had to retreat.

Cross-examined. He seemed at ease when the prisoner spoke to me. I did not then see prisoner's wound. It was then bound up. This was about 7 A.M., on Sunday. The battle happened the day before. He said the fire of our troops was so heavy, we were obliged to run. The memorandum in the book was written by Dugald C. McNab, who was in gaol for receiving money under false pretences. I did not, to my knowledge or recollection, use harsh words against the prisoners. I said if they were not punished I should lay down my arms. I said I should not take prisoners at another raid. McNabb asked me to go with him, and I went.

Alexander Lawson, sworn. I live in Port Colborne (McKenzie objects to his evidence; his name is not on the Indictment), overruled. It is on the Indictment. I was at the battle of Ridgeway. I am a civilian, but I accompanied the troops to Ridgeway. I was made a prisoner by a Fenian, by order of an officer. A Fenian officer there gave me this paper. It is read. I went in search for wounded men to help them. I saw the prisoner; was wounded. I washed the wound. He was shot through the shoulder, neck, and left ear. He was in a farm-house with other wounded Fenians. Sentries were at the door; but there were some of the Queen's Own there. The prisoner had a blue jacket, like the American uniform, trimmed with green. The officer had the same. I saw prisoner's coat which he claimed as his, and I saw where the ball went through it.

Cross-examined. I was with prisoner half an hour at first. I went for assistance and brought waggons down, and went with them, and they brought the wounded men up. I saw him then in bed. He wanted his coat, and I went and hunted it up, and he said it was his. This is the coat I described. He did not seem to suffer at first, but in the evening he did. He said his name was Daniel Whalen. He seemed to be suffering when he was in the waggon. He seemed then weaker than he was at first. I did not see him again till I saw him in gaol. I went to the gaol and asked to see Whalen. The turnkey filed them against the wall, thirty or forty. I could not recognize his features, for when I saw him he was all over blood; but I picked him out from the wound in the ear, and when I saw it I said this is Whalen; and it was. I was in the fire. I might have been wounded. I did not hear of any wounded who did not belong to one or the other. I saw persons in civilian's dress about there, and I heard bullets.

Case for the Crown.

Robert B. Lynch, sworn. I am a prisoner in gaol here. My home is in Louisville, Kentucky. I was in a commercial house. I wrote several letters to my employer, who was to revise them and publish them in the Louisville papers. I was not specially employed by the papers. I was in Canada in June last. I was in the employment of James McDermott, of Louisville, who was Assistant-Adjutant-General of the Fenian brotherhood in the State of Kentucky; and I was sent by him to report the progress of the affair in Canada. I saw the prisoner at the bar on Friday afternoon, the 1st June, 1866, between the Lower and Upper Ferry on the river bank. He was walking with Mr. Lavin, from Cleveland, a railway contractor who has works on the North road. Prisoner was introduced to me by him. The prisoner was not armed. Very few Fenians were there.

John Denun sworn. I have been in gaol since June, in Toronto. I lived in Buffalo. I work at the rolling-mill at B. V. I was in Buffalo on the 31st of May. He was drinking, and not sober. He did not assent at that time to come over. He said his father and his friends lived in Canada, and he would not go to fight against them. This was between 7 and 8 P.M. He was then pretty drunk. He did not appear to belong to the Fenians.

Cross-examined. I did not see him on this side till he came to gaol. He had no uniform on. I do not know how he came over.

R. B. Lynch, re-called. I do not know whether he was a Fenian. He had plain clothes. This was between 2 and 3 o'clock. Lavin had nothing to do with the Fenians. He was walking with Lavin, and did not appear to be with the Fenians there.

Cross-examined. The prisoner was sober.

John Metcalfe, sworn. I have no recollection of the prisoner saying he never fired a shot.

McKenzie takes the same exceptions to my charge as in O'Neil and Parry's cases.

Verdict "Guilty."

On being asked why, &c.,

McKenzie moves to arrest judment, on the same grounds* as taken in Hayden's case.

Sentence to be executed on the 13th day of December next.

(Signed) J. W. WILSON, J. C. P.

* See case of Hayden for above objections.

OBJECTIONS referred to in the cases where they are noted.

Mr. McKenzie's objections in Parry's case are as follows:—

1. That his Lordship should have directed the jury that in law there was no evidence that the prisoner was an American citizen within the meaning of the Act, and that the Crown should show what constituted a citizen of the United States according to the laws of the United States.

2. That he should have directed the jury that there was no evidence that the prisoner entered Upper Canada, with others, with intents to levy war against the Queen, or entered it at all with others; consequently he could not be convicted on the first count.

3. That he should have directed the jury that the prisoner could not be convicted on the second count unless it were proved that he took up arms or was in arms, or was actually armed, in company with others, in Upper Canada, with intent to levy war on the Queen's province, without being armed being insufficient.

4. That he should have directed the jury that the prisoner could not be convicted on the third count unless the jury found that the prisoner committed a direct act of hostility in assaulting or attacking, with other persons, armed and arrayed in a warlike manner, certain of Her Majesty's subjects, with intent to levy war against the Queen; that the prisoner must have been present during an attack and taking a part before he would be guilty on the third count.

5. That he should have told the jury that the prisoner could not be convicted on the present indictment for being present, aiding, assisting, and comforting the alleged raiders, as there is no count in the indictment charging him with such an offence.

6. That the prisoner being charged in the indictment as an American citizen, no duty was cast on him to withdraw or give notice when he found a breach of the law was contemplated, although it might be otherwise if charged as a British subject; and that there is evidence he withdrew when he found the law was about to be violated.

7. That he should have directed the jury that unless there was evidence to show, or from which they could infer, an intent on the part of the prisoner to levy war against the Queen, he could not be convicted on the present indictment.

8. That there is no legal evidence to show that the prisoner, or the persons assembled at Fort Erie on the 1st and 2nd of June, intended to levy war against the Queen; and for all that appears in evidence, their object might have been the redress of a private grievance, which might be a great riot, but not a levying of war against the Queen; and that he should have directed an acquittal of the prisoners on the ground that there is no evidence to show the intention alleged in the indictment; and that the prisoner cannot be convicted without proof that the prisoner intended with force to dethrone the Queen, destroy the Government, or subvert some public law or institution, or to effect some public object; and that he should have explained to the jury what would constitute levying war against the Queen.

9. That the Imperial Act 11 and 12 Vict., cap. 12, providing for offences against the Queen similar to those alleged against the prisoner, must override the Provincial Act which was passed previously to it, and under which the prisoner is being proceeded against.

(Signed) J. W. WILSON, J. C. P.

OBJECTIONS referred to.

In O'Neil's case Mr. McKenzie moves to quash the indictment:—

1. For misjoinder of counts. That under the first three counts he is charged as an American citizen under the 1st clause of the Act.

2. That he is charged in the fourth and fifth counts as a British subject under the 2nd clause. That in the sixth count he is charged with high treason. A man cannot be citizen of a foreign State and a British subject at the same time. There cannot be distinct offences charged in the same indictment.

3. That on the indictment it appears the offence was committed in the county of Welland, and the prisoner cannot be tried on an indictment found in this Court, being for the united counties of York and Peel. The words used are "county," not "united counties."

On motion of Mr. McKenzie, the prisoner is allowed till to-morrow to plead.—He pleads.

No. 19. No. 19.

Copy of a DESPATCH from Lieutenant-General Sir J. Michel to the Right Hon. the Earl of Carnarvon.

Montreal, December 13, 1866.

(No. 7.) (Received December 28, 1866.)

My Lord, (Answered, No. 127, January 7, 1867, page 83.)

I HAVE the honour to acknowledge the receipt of your despatch No. 108* of the 24th November, addressed to Lord Monck, and announcing your decision with regard to the commutation of the sentences of the Fenian convicts Lynch and McMahon. * Page 82.

Before your Lordship's despatch reached Lord Monck, he had granted a respite till the 13th March to Lynch and McMahon, and also to the other Fenian convicts now under sentence of death in Toronto.

Lord Monck will explain personally to your Lordship the reasons which induced him to refrain from immediately promulgating the decision which you communicated to him.

I shall accordingly leave the convicts in their present position until I receive further instructions from your Lordship.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General,
Administrator of Government.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

No. 20. No. 20.

Copy of a DESPATCH from Lieutenant-General Sir J. Michel to the Right Hon. the Earl of Carnarvon.

(No. 15.) Montreal, December 21, 1866.

My Lord, (Received January 2, 1867.)

I HAVE the honour to report to your Lordship that the trials of the Fenian prisoners taken in Lower Canada in the month of June last, commenced at Sweetsburgh on the 18th instant.

The first case was that of Thomas Madden, a British subject, who was charged with "feloniously joining himself to persons who had entered Lower Canada with intent to levy war on Her Majesty."

His trial was only concluded to-day, and I have just learned by telegraph that he has been convicted and condemned to death. I shall not be able to send any details of the evidence to your Lordship until the next mail.

I have, &c.

(Signed) J. MICHEL, Lieutenant-Governor,
Administrator of Government.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

No. 21. No. 21.

Copy of a DESPATCH from Lieutenant-General Sir J. Michel to the Right Hon. the Earl of Carnarvon.

Montreal, December 27, 1866.

(No. 17.) (Received January 15, 1867.)

My Lord, (Answered, No. 133, February 2, 1867, page 84.)

IN my despatch No. 15† of the 21st December, I reported to your Lordship that the trials of the Fenians taken in Lower Canada had commenced, and that one case had ended in the conviction of the prisoner, Thomas Madden. † Page 65.

The convict was sentenced to be executed on the 15th of February, 1867.

I beg to transmit for your information a copy of the evidence on which he was found guilty.

It shows that Madden was taken with arms in his hands, and that his comrades, if not he himself, fired on the policemen who were endeavouring to arrest him. His case, therefore, is still more serious than those of Lynch, McMahon, and others, who were convicted at Toronto of a crime similar to Madden.

Two more prisoners have been convicted at Sweetsburgh since the conclusion of Madden's trial; one of them, Thomas Smith, was indicted as a citizen of a foreign state, the other, Michael Crowley, as a British subject. I have not yet received copies of the evidence in these cases. Smith has been condemned to death, and sentence on Crowley has been deferred, but no doubt he will be left for execution.

Bearing in mind, however, the decision to which your Lordship came with respect to the convicts Lynch and McMahon, as communicated to Lord Monck in your despatch
* Page 82. No. 108* of the 24th November, I do not intend to allow the penalty of death to be inflicted on the prisoners who have been condemned at Sweetsburgh until I shall receive further instructions from your Lordship.

I therefore now beg to refer the case of Madden for the consideration of Her Majesty's Government, and in dealing with the other prisoners I shall be guided by the measure of punishment which shall be awarded to him.

Whilst I thus place the matter in your Lordship's hands, I think it my duty to state that on grounds of public policy it is my opinion that none of the convicts should suffer the extreme penalty of the law.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General,
Administrator of Government.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Incl. in No. 21.

Inclosure in No. 21.

Province of Canada, District of Bedford.

In the Court of Queen's Bench, Crown side.—December Term, 1866.

Wednesday the 19th day of December, 1866.

Before the Honourable Mr. Justice JOHNSON.

The QUEEN *v.* THOMAS MADDEN.

On indictment for (being a subject of Her Majesty) feloniously joining himself to persons who had entered Lower Canada with intent to levy war against Her Majesty.

EVIDENCE AT TRIAL.

William Stewart Holsapple, sworn. Resides in St. Armand's, is a farmer. In the month of June, I think the 5th, I went to St. Albans to ascertain what I had heard by rumour, that an invasion of Canada was intended. I met a person who told me to take an opposite course, that is to say, to East Highgate, where I went. At East Highgate I saw a number of persons called Fenians, they were so called there. Some were armed; some were not armed. There were several hundreds of these Fenians. Some were armed and some not. One of them offered to sell me his gun. I saw them moving towards Franklin Centre. East Highgate is six miles from Frontier Line. The last I saw of them that day was at Judge Hubbard's, there were eight of them under his wood shed. I counted at East Highgate 276 of these Fenians; they were together on the east side of the bridge. There were others on west side whom I did not count. These people were armed with guns, bayonets, swords, carbines, and revolvers. I counted thirty-one guns that seemed to be new American pieces, such as were used in the United States army in the war. On leaving East Highgate for Franklin, they were in the straight road to the Province. The persons I saw in Judge Hubbard's barn were not armed. I saw these Fenians in a body of 200 or 300 the following day, marching towards Canada. I saw them again on Friday, the 8th of June. I met them in small numbers near my house in Canada, at night. On the 9th, early in the morning, I went to Pigeon Hill. I saw three persons coming out of Oliver's store; two of them had a basket. On Saturday the 9th, I visited several houses at Pigeon Hill, and found they had been pillaged. I went to Pigeon Hill because the report was rife that the Fenians had the previous day ransacked the place, and carried off the goods of the inhabitants. Another reason was that they had entered my own house. My house was broken open on the 8th. When I saw it, they had not damaged the house much. Some things were missing; my carriage-house was broken open, and a saddle and other articles taken away. The place generally at Pigeon Hill, had an extraordinary appearance; furniture was broken, glass and crockery scattered about the houses. I conversed with the three men I saw at Pigeon Hill, on the evening of the 8th. They

first inquired if there were any horses at Krantz's, my neighbour, then if I had any. They said they wanted horses to form a cavalry corps. I asked them what for. They said also, they were going to form an Irish Republic in Canada. I said I had no more horses; they had already two colts, but they wanted better ones. One of them went to the barn to look for horses; another advised me to go to the hill and take the oath of allegiance to the Irish Republic.. I said, No. Two of them were armed, the third may have been, but I saw no arms on him; one who represented himself as the leader of the party, had a gun. These people were strangers to me. I was born and brought up near Pigeon Hill. It was the inhabitants of the place at Highgate that called these people Fenians. I had heard the name before, and seen it in print. I understood it meant the name of some persons who were banded together for some purpose.

(Crown produces Paper No. 5.)

I received this paper from my father, on information from one Alpheus Stephenson.

(Witness ordered to stand down.)

Alpheus Stephenson, sworn. I got this paper on the 8th of June. I got it in the village at Pigeon Hill, from Colonel Edmund Rice, to give it to Mr. Holsapple. I gave it him. Colonel Rice I never saw before. I did not see any military equipments about him. This looks like the paper. I only got one paper from Colonel Rice. I have no doubt this is the paper. Paper read.

Copy of Paper.

"Head Quarters, 1st Div. Irish Army, Camp in the Field. June 8th, 1866.

"The Irish Republic promises to pay W. Stewart Holsapple 100 dollars for value received, six months after.

"J. H. Wilson."

Mr. Holsapple is recalled. At Pigeon Hill on the 9th, I saw, besides the three I have mentioned, a number of persons coming from the south. I think the first squad consisted of eleven or thirteen. I don't remember which. They went into Carpenter's tavern. A few moments after they went in, one of them came out and asked me to tell him the way to get into Carpenter's cellar.

George B. Baker, Advocate, sworn. I lived at Nelsonville last June. On the 6th or 7th, there was a rumour about the Fenians were coming. I went towards the line and found the houses abandoned. I proceeded across the line and found the village filled with Fenians; part were armed, part unarmed. Some had muskets, some swords, and some pistols. They were encamped on the village green. They moved off in the direction of Canada. We started (Mr. Whitman and myself) to go to Cook's Corners, and overtook these people on the road. As we came near the line we heard the order sent back to bring up the rear-guard; we drove on and passed more of them, and saw that part of them had come into Canada, stacked their arms, and hoisted a green flag. The body of the flag was green, and there was some figure and device on it that I could not distinguish. This was about a quarter of a mile on this side the line. There was a guard on the line, and the sentry asked us if we had passes. The guard that halted us were armed with muskets and fixed bayonets. We had no passes, and the sergeant said it was doubtful if we could go on without passes. We asked where we were to get them, and he said at head-quarters. We found another guard stationed about a quarter of a mile on this side of the place where the flag was hoisted. We were halted also by this guard and asked for passes. Having none, the sergeant said he must put us under arrest. I asked him for what, and he said for the purpose of sending us back to head-quarters. I asked him the object, he said he had no explanations to make, his orders were positive. He then ordered one of the men to take our horse by the head, and called another man to seat himself in the buggy, and told him to take us back to the Colonel. The man in the buggy with us, was armed with a gun and a bayonet. The head-quarters were on the other side; we met the column advancing towards Canada in martial array, four deep, and commanded by officers. We met this column close on the line; the Colonel was walking in the rear of the column. The guard in the buggy told him he had us as prisoners. The Colonel I think told the Major to march the men down towards the line, and to establish his head-quarters in a building just on the line. The Colonel said his name was Contri; he was dressed in a fantastic uniform. He expressed regret to inconvenience us, but said he must adhere to military rules. That they were going into Canada to occupy the country, and could not release us except on parole. This conversation took place on the

other side of the line; he said they wanted horses, they had the soldiers, and they were not robbers, but soldiers. A part of the column passed the line just as we did; I endeavoured to count the column as we passed. I think there were about 600 of them. Colonel Contri pointed to the flag, and said it was already hoisted in Canada, and they had proclaimed the Irish Republic. This was said a little on this side the line.

Cross-examined. Never saw the prisoner at the bar before, to recognize him.

Robert L. Tittemore, sworn. Lives at St. Armand, about two miles from Province line, did so in June. I was at home on the 8th and 7th of June. There was a public rumour on the 7th that the Province was to be invaded by the Fenians. I had seen them on the other side of the line at Franklin, on the 5th. I saw one band of twenty men armed; some of them were singing and dancing. The people called them Fenians. Some of them had sabres, some guns, some large revolvers. I know the people of Franklin very well. The armed men I saw were strangers to the place. On Friday the 8th, I saw armed men at Pigeon Hill, at about 11 o'clock in the day; I had gone up to see what was going on, having heard the Fenians were there. I saw two men armed, and leading a horse. I saw William Butler's door broken open; as I stepped in I saw four armed men in the house. I had never seen them before; I supposed them to be Fenians. I did not speak to them. As I came out of the door, I saw five or six men with guns; four men rode up saying they came from Clarenceville, they joined us. We ran away, and they fired at us; we proceeded, and they hailed us again and fired another shot. They fired at us a third time, not long after that; I heard the ball whistle over my head. I went to one William Smith's, and was there when these same six men came there; they ordered the family out of the house, made a demand for the wounded cavalry. They said they had shot two British cavalry soldiers, and they were secreted in the house. They then asked if there were any red coats secreted about the house; I understood they meant British soldiers; I answered, No. They said, don't you lie to me, if you do, I will blow your brains out. They then made me prisoner, and said they would take me to camp. One of these men called himself Captain Murphy of the Fourth Cavalry; he gave orders to one of the men to go to camp and tell Colonel Somebody to forward his forces, the red coats were in sight. The man left, and Captain Murphy then paroled me; he sat on his horse with his sword drawn, and administered a sort of an oath to me to the effect that I was not to harbour British soldiers, and not take up arms against the Fenians. He took me under the protection, as he said, of the Irish Republic, and offered me a pass. He said if I broke my parole, he would hang me up to the first tree. He said when he was leaving, that he would be through there in a fortnight or three weeks with a large army. I saw in the course of the day, fifteen or twenty Fenians near my place; they were most of them armed, and under the command of this Murphy. The next day, the 9th, I saw the houses at Pigeon Hill, they had been ransacked.

Cross-examined. I did not know any of the people I saw on the 8th of June; I had never seen them before. I knew two of the men, who said they came from Clarenceville. I thought they were Fenians because they were strangers and had arms in their hands, and had heard it reported. On the 9th, the main body of the Fenians left Pigeon Hill. They were there in the morning; they left in the afternoon.

Levi Scott, sworn. Lives at Dunham Flats. On the 7th of June, I had heard of the Fenians coming. I went down to Cook's Corners, and saw a body of them. Some thirty, I should think, came in. They marched three deep, and seemed to have officers to command them. The citizens nearly all left. Two of the Fenians wanted to speak to me, that they were after horses, but would not take mine. I stopped, and they took my horse. They said they intended to take Canada and march on Montreal. I went to what they called their head-quarters on this side the line. The guard stopped me, and took me down to General Spears. It was on the high road I was stopped. I saw Colonel Contri. He said the General was very busy that night, but if I came in the morning he would see me. I saw armed men at the camp. The next morning I saw a flag. The head-quarters were at Eccles' house, about a quarter of a mile on the Canada side. The next morning Colonel Contri introduced me to General Spear, who acknowledged the introduction, and said they wanted horses, but would not keep mine, and ordered it to be given back. I got the horse in Courtnay's possession (a Major Courtnay) at Eccles' place. They gave me a pass. (Produces it.)

(Copy.) "*Head-Quarters, 1st Div., I. R. A., June* 8, 1866.

"Guards and patrols will pass Levi Scott through the lines and return. Good for three days.

(Signed) "James B. Lyons,
"Maj. and Pro.-Marshal."

I met three more Fenians near Frelighsburg. They were armed and drunk; they pushed me off my horse rand rifled my pockets. One of them snapped his carbine at me, and another struck me with his sword.

Cross-examined. Was a witness before Grand Jury. Stated there what I have said here.

Reuben Martin, sworn. Lives at Dunham Flats. Lived there in June. On the 7th I went to the lines on the road from Cook's Corners to Franklin. I was stopped about half a mile on this side of the road by a guard of six or eight men all armed. They wanted to know my business. I said we wanted to know their intentions. The officer referred us to Colonel Contri. I never saw but one of the men before. They were strangers in that part of the country. They formed four deep, and took us to Colonel Contri's. Mr. Rykerd told him the inhabitants were much alarmed, and we wanted to know their intention. He said he expected to pay for what he took if he could, but that the Irish had been down-trodden by British power, and they had come to make war upon the forces of the Province, but not on the inhabitants. He refused to parole me, but paroled Rykerd and Coburn. I learned, indirectly, that the reason for not paroling me was that he thought me a soldier. Soon after Rykerd and Coburn left. General Spear came across. There was a general cheer when he came. The force collected on the line marched over immediately after the arrival of General Spear. They were 500 or 600. They called themselves the Fenian army. They had several flags, small green silk flags. There was a harp, and some letters on the flags. They marched in military array.

Cross-examined. Was a witness before the Grand Jury. I do not known when the Fenians left the Province. I understood they left on Saturday, but I do not know the hour.

Frederick John Parker, a Custom-house officer at Frelighsburg. I was there on the 7th. I left because I was obliged to do so by this Fenian raid. I returned next morning. My house was disordered when I returned. I left again on the 8th, and returned on the 10th. I found the house ransacked, and property taken away; every drawer and box broken open, and almost everything stolen. My flag was stolen. It was a British ensign bought by subscription for the village. Custom-house office also entered; stamps and other things removed. The royal arms were split to pieces. The Fenians came to Frelighsburg on the 7th. Frelighsburg is $2\frac{1}{2}$ or 3 miles from Province line by road. There were upwards of twenty marching in military order, and commanded by an officer, and armed with rifles. I learned on Saturday evening that they had left.

Cross-examined. I heard late on Saturday that our troops were coming, and the Fenians were running away. I have received from Government the amount I claimed for damages to my property by the Fenians.

William Thomson. Lived at Pigeon Hill. Saw the Fenians on the 6th of June between Franklin and Highgate, about 800 to 1,000 of them; they were marching. I asked them where they were going; they said to Slab city (Frelighsburg). The majority of them were armed, and they were marching in imperfect military order. On Thursday, the 7th, I saw about 100 Fenians at Cook's Corners; about 50 of them were armed; some had halters for horses, and swords. I saw some afterwards at Pigeon Hill; they were armed; they left late on the 9th. I recognized some of them from having seen them at Cook's Corners.

Cross-examined. Some Fenian prisoners were taken by our forces on Saturday; the main body left on Saturday. I saw no large body of Fenians after troops came up on Saturday, only small parties of six or so.

Robert Oliver. Was at Frelighsburg on the 7th. Saw Fenians arrive about 7 o'clock in the evening; there were 22 marching in order; they were all armed. They came from Cook's Corners by road leading to the United States; they had carbines, swords, revolvers, and rifles. I saw them plundering stores—Lansberg's and Smith's stores. They got a flag at Smith's store; they said they had a flag now, and cheered and made a row. The first man I met called himself a Captain of Cavalry; he told me not to fear. A guard was placed at the bridge. The guard were armed with guns and fixed bayonets; I saw them fire at a man crossing the bridge; I don't know the man. The guard would not let us go one way or the other until they chose.

Cross-examined. I got back on Sunday. I heard on that morning the main body of the Fenians had left on Saturday. The houses in Frelighsburg were abandoned, and any one might have plundered them.

Re-examined. The people abandoned their houses because they were afraid of the Fenians.

Noah Sager. Lived at Pigeon Hill in June. I was not there when Fenians came. I was in Franklin; went there on 1st June. I saw Fenians on 5th at Franklin Centre,

fifteen or twenty at first, afterwards more. The public said they were Fenians. Some of them were armed. I saw a number of them on 6th in Hubbard's barn. They said they were coming to take Canada, and establish a Republican Government. I saw 700 or 800 Fenians encamped near Eccles on Thursday the 7th. It was called the Fenian camp. Sentries were posted, and I saw officers commanding. I was taken prisoner. I met Colonel Contri, he ordered me to go to the Adjutant's office. I was afterwards sent to General Spears. I asked to see Colonel Connor, who had given me a pass, and I was subsequently released.

Cross-examined. I never saw the prisoner before. I returned to Pigeon Hill on Saturday night. I understood previously the invaders had left.

Thursday the 20th day of December, 1866.

Present:—The Hon. Mr. Justice JOHNSON.

THE QUEEN *v.* THOMAS MADDEN.

EVIDENCE—continued.

Peter Yates, sworn. Lived in St. Armand's, near Pigeon Hill, in June last. On the 7th in the forenoon a squad of 7 came to my house. I had heard previously the Fenians were coming. They told me not to fear, they would hurt no one who did not resist them, but only those who did. They asked for milk; one man, apparently the leader, said, not to be alarmed, unless resisted, but those who resisted would be made prisoners of war. They did not want to hurt any body or injure property. They came to fight the British Government, and they were going to give us a Republican Government. He said, I suppose you would not object to that? I did not assent. He added, I suppose you may not want it, but the people in general would like a Republican Government. Other squads came, and we had pretty similar conversations, and they avowed the same intention, adding, that they wanted to whip the red coats. They said, England made all our laws for us, and they were not going to allow it. I dissented, and to convince them showed them a volume of our statutes. They added, when I told them our Governor was an Irishman, that we had one other renegade Irishman, and if they caught him they would string him up. They said it was Mr. McGee, one of the Ministers of the Crown. They said, on one occasion, they understood we were going to have a confederation of the Provinces, and there was to be an English Prince on the throne, and they were not going to allow that. I saw more of these men on the 9th at my house; they were armed, as well as those who came previously; they had various arms and equipments, such as guns, swords, and cartridge boxes. In the course of the two or three days I should think I saw 200 or 300 of these men in different directions. I gave them food under compulsion. They offered no violence to me.

Cross-examined. I ceased to fear them after I had become acquainted with them. I saw them make no use of their arms beyond shooting at a scarecrow behind the house. On Saturday they mostly left. I only saw six on that day.

Thomas Russell Roberts, sworn. I live at Philipsburg, and am a practising attorney. I went to Pigeon Hill on the 7th June, to ascertain something definite respecting the Fenians, who I understood had come into the Province. By Fenians I understood a body of armed men who had invaded the Province from the United States with hostile design. The people were much alarmed in the village. I saw a number of these men, they were armed with sabres and had belts on. I entered into conversation with one of them, who appeared to be a sort of leader. He seemed very intelligent. I spoke to him of his travel-stained appearance. I said, most of the women had left from fear, and we are uncertain of your designs. He replied, we pretend to be a Government, and shall carry on war on the principles that govern civilized warfare. We shall not plunder from the people; we consider poor people our friends. Something was said about horses. He said, our orders are that the first man who brings a horse into camp shall be shot. He meant the Fenian camp at Eccles' house. He said, Quebec is a strong place, but may be taken. While this conversation was going on, a bystander said some more were coming. I got into my buggy. There were thirteen. They were all armed and straggling along; they were all together in a straggling squad. They were strangers. I then went home.

Cross-examined. I understood the Fenians left the Province on Saturday, 9th.

Alpheus Stephenson, sworn. Lived at Pigeon Hill 7th, 8th, and 9th June. The Fenians came on the 7th at three. The last I saw of them was on Saturday the 9th, at

about 11 o'clock in the forenoon. They were plundering people's houses. I saw the plundering going on on Saturday morning. I saw about 16 houses at Pigeon Hill that had been plundered.

Cross-examined. I saw most of the houses when they were being plundered, and saw the Fenians going from house to house. I saw them by twos and threes. The main body left on Friday night and Saturday morning. I saw the prisoner there on Friday morning (8th). I saw a person named Rodgers after he was arrested. He is now discharged. I saw him with a neighbour's horse. He was getting the horse ready to mount, and subsequently mounted him and rode away. I saw a person who gave his name as Colonel Rice. He gave me a receipt or paper, which I handed to Holsapple. I was a witness before the Grand Jury.

Question. Did you tell the Grand Jury that you saw Colonel Rice?

Question objected to and overruled.

Humphrey Chadburn, sworn. I live at Frelighsburg. Several of the Fenians were searched by me at St. Armand station after their arrest. I searched one Terence McDonald, one of the prisoners. It was about 2 o'clock in the afternoon. I found on him the medal I now produce.

Anthony Sewell, sworn. In Government police. Was so on 9th June. I know the prisoner. I went down to Cook's Corner on the 9th June, having been told there were some Fenians at Eccles' house; about a dozen in number. I proceeded to the place with Asa Rykerd and Levi Traver. I got out of the buggy at Eccles'. The Fenians stopped me, and asked me where the hell I was going? They were armed with sabres, carbines, and rifles. I pulled out my revolver, and told them that was where I was going. One of them, not in custody, brought his rifle to the present. We both fired. The prisoner run and took his position on the right. I cast my eye on him, and I saw he had his carbine at the present. He was armed with a carbine and a sabre. I raised my revolver to his side, and shot him. Prisoner turned round to run across the road; I shot him again in the back. He mas making for the wood. I pulled again, but missed fire. I run after prisoner to wood. I fell and hurt my knee. Rykerd came up. I told him to take my revolver, as prisoner was in wood. He took my revolver, and brought prisoner back. When we got into the waggon there were more shots fired from Eccles' house, as we drove off with the prisoner. As we went to Pigeon Hill, I saw the guides going up to Eccles'. We then had the prisoner in the waggon. The prisoner asked me to throw him out of the waggon into the ditch, and let him die. He was in great pain from his wound.

Cross-examined. I don't know how near the Province line is to Eccles'. We were at Eccles' house. On Saturday afternoon I heard the Fenians were retiring. I saw no Fenians there after 12 o'clock on Saturday. When I got to Eccles' the Fenians, among whom was the prisoner, were standing on the road. When I first saw the Fenians, I thought they were, some of them, trading their arms. I know there were three or four guns in the lot, and the prisoner had a carbine and a sabre. After I fired the shot at the first man, he was taken away, I believe by his comrades, but my attention was particularly directed to W. Cadden.

Asa Rykerd. Lives at Dunham; was there on 9th June. I went to Eccles', about half a mile from the lines, with last witness and Traver. When we got within about three rods of Eccles' we met Mosgrove, who told us that we could take the whole party, as only three guns were loaded.

Confirms Sewell in every particular, and adds, that while Sewell was running after prisoner a shot was fired from Eccles' house at him or Traver.

When Traver and I got into wood we found prisoner; he surrendered. We took him, and put him in the buggy. While we were doing this the Fenians came out of the house, and fired at us. We met the guides. The road was barricaded near Eccles' house.

Cross-examined. The Fenians, when we met them, were in the road near Eccles' house. I think there were seven standing in the road, others in house. All seemed to have arms who were standing in the road. May have been a dozen or so. Mr. Mosgrove said he had bought a gun, and was trying to buy another. The party all started when they saw Sewell firing repeated shots. I understood Sewell to say, as we got to Eccles', after getting out of the waggon, he wanted to be shown the last Fenian. He addressed this to the Fenians. One of them said, "What in hell do you want here?" I went to Pigeon Hill to see United States' guard that had been placed near the line, as I understood to prevent the Fenians recrossing. I heard they were leaving on Saturday.

Asa Rykerd recalled. I did not see the prisoner searched.

James Mosgrove, sworn. Lived in St. Armands last June. I was at home part of the

time, and at Franklin, and at the Fenian camp near Eccles' house. This was on Saturday afternoon, the 9th. I was with the Fenians near Eccles' two or three hours. I saw the prisoner with them all the time I was there. Some were armed. When I first saw the prisoner he was sitting on a log near the road, with four or five others. One of them was marching as a sentry, and ordered us to halt. He then ordered us to advance. We advanced and sat down. There was one Edward Hurtney with me. The prisoner asked him if he was an Irishman. He said he was. The prisoner spoke in Irish to him. He did not understand it, and the prisoner damned him and said he was no Irishman. The prisoner began to complain that their officers had deserted them, and took his carbine and drew the hammer back, and asked me if I saw that. I told him I did. He said, "Ireland would never be free as long as that went back." There then came up another squad of four of five more, and ordered these to leave, for that they had been fired on, and the enemy was coming. This squad came from Cook's Corners. One of them said, pointing to prisoner, "This is my Captain, I will obey him." Prisoner said nothing. They passed down to the line. Prisoner and his squad remained. I went down to the lines, the American troops were there, and the Fenians, when they saw them, began breaking their arms. I asked the man who called prisoner his Captain, to sell me his gun. He said he would for $1\frac{1}{4}$ dollar. He told me to keep out of the way of the rest of the Fenians, or they would take it from me. Hurtney wanted also to buy a gun from the Fenians. Hurtney asked me if I had any money. I told him I had 2 dollars in American money. I gave it to him, and he went back; and after a while he came back, and said he could do nothing with them. I went to prisoner with the 2 dollars, and tried to buy his carbine. He would not sell it for 2 dollars, so I left to go home. After a few rods I met Rykerd, Traver, and Sewell. Sewell was getting out of the waggon, and asked me if there were any Fenians there. I said, yes. We went back, and one of the Fenians ordered us to halt. Sewell said something I did not hear. A Fenian drew his gun, and Sewell drew his pistol, and both fired. I kept my eye on both, and could not tell who fired first. The Fenian then started for Eccles' house. I ran after him and threw him down. He called out, and others rushed out of Eccles' house. I went back to waggon. I should think Sewell fired six or seven shots. I did not count them. I was engaged at the time in a struggle with the other man. There might be a dozen or more Fenians at Eccles'. After prisoner was fired at, he ran towards the west.

Cross-examined. The persons I met on the road committed no violence on me at first. They called on us to halt. I did not hear Sewell say, "I want to see the last Fenian." The Fenian spoke first. On the 7th, three squads came to my house for victuals, and got them.

Levi Traver, sworn. I know the prisoner. I saw him near the Fenian camp on the 9th June, near Eccles'. Mr. Rykerd and I, on the 9th, in the afternoon, went to see the Fenian camp. Sewell asked me for a ride. I referred him to Rykerd, and he got in. We drove near the camp. There were a number of men standing in the road, whom I supposed to be Fenians. I did not know them. He (Sewell) jumped out of the waggon, and commenced firing; he commenced as soon as he could walk up to them. I did not hear what was said. There were other guns fired before we left. I was 3 or 4 rods from the place where the firing was. After firing ceased, I saw a man running across the fields. I think the prisoner is the man. (Confirms Rykerd and Sewell.) Thinks the prisoner was one of the persons they called Fenians; he was among them.

Cross-examined. At this time, as I was told, the main body of the Fenians had left.

George Tilbury, sworn. I am a trooper in the Royal Guides. On the 9th June was with them in the part of the country where the raid occurred. We went to Cook's Corners and to Eccles'. We met Sewell near barricade. Was with prisoner and another man in waggon. We were led by Mr. W. Coney. At a turn of the road we came upon a body of Fenians, who fired on us. We captured a prisoner. I believe his name is Smith.

Cross-examined. I should think there were a dozen or so of the Fenians.

Charles J. Schiller, sworn. I saw the prisoner brought to Montreal on the 11th June; I was present in the gaol, in Montreal. The statement made by the prisoner respecting his name, place of birth, &c., was made in my presence. It was also put down in writing, according to the rules of the prison. He stated he was born in Ireland; his trade was that of a shoemaker; and that he had recently come from Bridgewater, in the state of Massachusetts, and was a single man.

Cross-examined. I was present when this statement was reduced to writing.

Re-examined. There are six other prisoners under accusation of the same offence as the prisoner: Edward Gilgan, Terence McDonald, Edward Carroll, Cornelius Owens, Michael Crowley, and Fenton Holmes.

Bills found 6th December instant. The bills were submitted to the Grand Jury one

by one, and returned together. The investigation before Grand Jury lasted three days. Twenty-one bills against prisoners for an offence charged to have been committed on the 7th June; they have been the subjects of a *nolle prosequi*. Six bills were found against five other prisoners.

Verdict, Guilty.

Sentence, Death, 15th February, 1867.

Sweetsburg, December 26, 1866.

(Signed) F. G. JOHNSON, J. S. C.

No. 22. No. 22.

EXTRACT from a DESPATCH from the Officer Administering the Government to the Right Hon. the Earl of CARNARVON, dated Montreal, December 31, 1866.

(Received January 15, 1867.)

IT is my intention now to proceed without further delay to commute the sentences of all the Fenian convicts who have been condemned to death, including those recently convicted at Sweetsburg, whose cases I referred for the consideration of Her Majesty's Government in my despatch No. 17* of the 27th instant. I shall take this course, as I think it is of the greatest importance that the sentences of all should be announced at the same time. * Page 65.

In determining the terms of imprisonment to be awarded to the convicts, my Council and myself will be guided as far as the circumstances of each case will permit by your Lordship's decision with regard to Lynch and McMahon.

No. 23. No. 23.

COPY of a DESPATCH from Lieutenant-General Sir J. MICHEL to the Right Hon. the Earl of CARNARVON.

Montreal, January 4, 1867.

(No. 7.) (Received January 25, 1867.)

MY LORD, (Answered, No. 134, February 2, 1867, page 84.)

I HAVE the honour to inform you that I and my Council have taken into consideration the cases of the Fenian convicts who have been condemned to death at the late trials at Toronto and Sweetsburg, and that it has been determined to commute the capital sentence in every case to imprisonment for twenty years with hard labour in the Provincial Penitentiary.

The crime of which all the prisoners were found guilty was of so grave a nature that it was not considered advisable, for the present at least, to make a distinction between them, nor to award a smaller amount of punishment to any than was decided on by Her Majesty's Government for Lynch and McMahon.

The documents commuting the sentences on the convicts—seven in Canada West, and three in Canada East—received my signature and approval yesterday, but there are other legal formalities necessary, and these cannot be completed till about the 8th instant.

Until that time, therefore, I am obliged to postpone the publication of your Lordship's despatch No. 108* of the 24th November, in order that nothing may be surmised from its reference to Lynch and McMahon respecting the probable fate of the other prisoners till they can be legally removed to the Penitentiary at Kingston. * Page 82.

This precaution is necessary with regard to those recently convicted at Sweetsburg, as they are now in Bedford Gaol, at a distance of only fifteen miles from the frontier of the United States, and an attempt to rescue them might possibly be made, if it became known that they were likely to undergo so severe a punishment as that of twenty years' imprisonment.

I intend to make special provision for the safe keeping of the prisoners in the Penitentiary at Kingston, by stationing there some volunteer militia in addition to the ordinary garrison of regular troops.

I have, &c.

(Signed) J. MICHEL, Lieutenant-General,
Administrator of Government.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

DESPATCHES FROM THE SECRETARY OF STATE.

Despatches from the Secretary of State.

No. 1. No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor-General the Right Hon. Viscount MONCK.

(No. 56.)

MY LORD, Downing Street, June 16, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 43* of the 1st of June, informing me that a body of 600 Fenians had crossed the frontier and established themselves in the village of Fort Erie in Canada. * Page 1.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 2. No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor-General the Right Hon. Viscount MONCK.

(No. 63.)

MY LORD, Downing Street, June 22, 1866.

I HAVE the honour to acknowledge the receipt of your despatch No. 45† of the 4th of June, respecting the attack recently made by a body of armed Fenians on the village of Fort Erie in Canada West. † Page 1.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 3. No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor-General the Right Hon. Viscount MONCK.

(No. 67.)

MY LORD, Downing Street, June 23, 1866.

I HAVE received with great satisfaction the intelligence conveyed to me by your despatch No. 47‡ of the 8th of June. ‡ Page 3.

I do not doubt that the judicious preparations for defence which were made by the Civil and Military Authorities in Canada, will prove effectual in securing the Province against any further attack on the part of the Fenians; and I learn with great pleasure the admirable spirit displayed by the Administration and people on this occasion, and the great zeal shown by the Volunteers in meeting with promptitude the outrage committed upon the peaceable country of Canada.

I have communicated your despatch to the Earl of Clarendon, and I have no doubt that his Lordship will instruct Her Majesty's Minister at Washington, to express to Mr. Seward the gratification which Her Majesty's Government feel at the friendly and effectual co-operation of the Government of the United States in repressing these unjustifiable invasions of British Territory.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 4.

No. 4.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Governor-General the Right Hon. Viscount Monck.

(No. 69.)

My Lord, Downing Street, June 29, 1866.

* Page 24. I HAVE the honour to acknowledge your despatch of 14th instant, No. 54.*

I approve the course pursued by your Lordship, and am glad to find that the reports of the officers referred to negative, as far as they are concerned, the reports which had been made to Major-General Meade.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 5.

No. 5.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Governor-General the Right Hon. Viscount Monck.

(No. 71.)

My Lord, Downing Street, June 30, 1866.

† Page 7. I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 53† of the 14th of June, enclosing copies of reports addressed to Lieutenant-General Sir J. Michel, by the several officers whose names are noted in the margin,‡ relative to the recent Fenian invasion at Fort Erie.

Her Majesty's Government deplore the loss of life which has thus occurred, but they congratulate you on the complete discomfiture of the large and comprehensive plan of attack which had been arranged.

Her Majesty's Government unite with you in the tribute you pay to the energy and good faith exhibited by the American Government on this occasion, and they confidently trust that the efficient measures which have been adopted by both the United States and the Provincial Governments, will secure British Territory from any further attack.

Your account of the spirit which animates the Canadian people, of their appreciation of the free institutions under which they live, and of their loyalty to the Throne, is in the highest degree satisfactory, the cheerfulness with which they suspended their industrial occupations in order to serve in the ranks of the Volunteers, and the zeal which they exhibited in the service, reflect the greatest credit upon them.

I shall have much pleasure in bringing under the notice of the Secretary of State for War, the testimony you bear to Lieutenant-General Sir J. Michel and the officers under his command, in the able disposition of the troops both Regulars and Volunteers, and I will not fail to call the attention of the Lords Commanders of the Admiralty to the praise awarded by you to the Officers of the Royal Navy quartered at Quebec and Montreal.

I will also bring under the notice of the Secretary of State for War the name of Colonel McDougall, the Adjutant-General of Militia, whose services have been so highly appreciated by you.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c. (Signed) EDWARD CARDWELL.

No. 6.

No. 6.

Copy of a DESPATCH from the Right Hon. Edward Cardwell, M.P., to Governor-General the Right Hon. Viscount Monck.

(No. 72.)

My Lord, Downing Street, June 30, 1866.

§ Page 4. I HAVE received your despatch No. 51§ of 11th instant, in which you inclose copies of two Acts passed by the Legislature of Canada, authorizing respectively the summary imprisonment of persons charged with certain offences against the peace of the Colony, and the trial in Lower Canada by a Militia General Court-martial of persons levying war against Her Majesty in that Province.

I rely on your discretion for the use you will make of these extensive powers, and do

‡ Colonel Peacock, Lieutenant-Colonel Booker, Lieutenant-Colonel Denis, Captain Akers, and Colonel Lowry.

not doubt that you will have recourse, in every case in which it may be possible to do so, to the ordinary tribunals for the punishment of offenders.

I hope that the total failure of the recent senseless attempts to disturb the peace of the Colony will have relieved your Government from all apprehension for the future, and will enable you to deal with the persons who have fallen into your hands with deliberate consideration of the various reasons which should affect your treatment of them, and without incurring any appearance of precipitation or undue severity.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 7. No. 7.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Governor-General the Right Hon. Viscount Monck.

(No. 4.)

My Lord, Downing Street, July 7, 1866.

I OBSERVE that the recent Act of the Canadian Parliament, authorizing the trial by Militia Courts-martial, of foreigners and others who are guilty of, or accessory to acts of aggression or hostility in Lower Canada, has formed the subject of a communication from my predecessor in this department.

This Act, which is copied from an Act passed in 1838 for the protection of Upper Canada and is made applicable to the Lower Province, is of an exceptional character and to be justified by the exceptional circumstances of the time. I shall advise Her Majesty to leave it to its operation. At the same time, I am unwilling to lose any time in expressing my earnest hope that recourse will not be had to any but the usual tribunals for the trial of offenders.

When in 1838 a similar Act was passed for Upper Canada, the general condition of the Province was in many respects a very critical one. Such happily, I understand from your Lordship's despatches, is not now the case. Thanks to the loyalty of all classes in Canada and to the good faith and co-operation of the United States authorities, all aggression from their territory has been baffled and no immediate danger appears to threaten the peace of the Province. There remains doubtless, some natural resentment on the part of those who have been exposed to so wanton and criminal an outrage, but I am confident that your Lordship and your advisers are fully alive to the wisdom of moderation in such a case, and of confining the punishment of the offenders as far as practicable within the limits of what may be required for the protection of the Province now and in the future.

But under any circumstances Her Majesty's Government consider it on every account to be desired, that the persons concerned in this insane and lawless enterprize, should be tried with all deliberation and should not be deprived of any advantages which can be claimed under the ordinary forms of law. And it would be to them a cause of serious regret if any step were taken from which it could be inferred that the British authorities were either unwilling to await the ordinary cause of justice or distrustful of the spirit in which it would be administered.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

No. 8. No. 8.

Copy of DESPATCH from the Right Hon. the Earl of Carnarvon to Governor-General the Right Hon. Viscount Monck.

(No. 7.)

My Lord, Downing Street, July 11, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 55* of the 14th June, in which you bring to my predecessor's notice the patriotism and devotion exhibited during the late Fenian disturbances by Canadians resident in Chicago, who on hearing of the seizure of Fort Erie, gave up their various employments in order to return to Canada to offer their services for the defence of their country. * Page 26.

You also report that a large number of Canadians, resident in New York, expressed

to you, through Her Majesty's Consul, their willingness to abandon their several occupations in that city, to assist in the defence of Canada against Fenian attacks.

I cannot express to your Lordship too strongly, the high sense entertained by Her Majesty's Government of the spirit and loyalty thus evinced, and I trust that such patriotic conduct will go far to prevent the repetition of such criminal attempts as have recently been made at Fort Erie and St. Albans.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

No. 9.

No. 9.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Governor-General to Right Hon. Viscount Monck.

(No. 18.)

My Lord, Downing Street, August 4, 1866.

I HAVE the honour to transmit to you the copy of a letter from the Secretary of State for War, inclosing one written by the directions of His Royal Highness the Field Marshal Commanding-in-chief, expressing his high appreciation of the gallant and energetic behaviour recently exhibited by the Militia and Volunteers of Canada.

I am desirous of adding that it is most gratifying to me to be the medium for making this communication to your Lordship.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

Inclo. 1 in No. 9.

Inclosure 1 in No. 9.

Sir E. Lugard to Mr. Elliot.

Sir, War Office, July 26, 1866.

I AM directed by Secretary Lieutenant-General Peel to transmit to you, for the information of the Earl of Carnarvon, the inclosed copy of a letter which has been received from the Horse Guards expressing the high appreciation by His Royal Highness the Field Marshal Commanding-in-chief of the gallant and energetic behaviour shown by the Volunteers and Militia of Canada, on the occasion of the late Fenian attack upon that Province.

Lieutenant-General Peel requests that Lord Carnarvon will communicate to the Governor-General the sentiments expressed in this letter.

I have, &c.

T. Frederick Elliot, Esq., &c. &c. &c.

(Signed) EDWARD LUGARD.

Inclo. 2 in No. 9.

Inclosure 2 in No. 9.

Lieut.-General Forster to the Under-Secretary of State for War.

Sir, Horse Guards, July 21, 1866.

WITH reference to the several reports which have been received from the General Officer commanding in Canada, relative to the Fenian movement in that Province, and to the measures taken by the Colonists for repelling any Fenian attack, I am directed by the Field Marshal Commanding-in-chief to request that you will acquaint the Secretary of State for War that His Royal Highness having observed the alacrity, loyalty, and zeal shown by the Volunteers and Militia forces of Canada in having come forward for the defence of the Colony on the late trying occasion in support of the troops, is very desirous of expressing to the forces his full appreciation of their gallant and energetic behaviour, and the very great gratification and satisfaction he has thereby experienced; and His Royal Highness trusts, therefore, that Lieutenant-General Peel will see no objection to the necessary communication being made by him to the Colonial Office with the view to His Royal Highness' sentiments, as above expressed, being made known

through the proper channel to the Volunteers and Militia of Canada lately employed against the Fenians.

I have, &c.
(Signed) W. F. FORSTER.

The Under-Secretary of State for War.

No. 10. No. 10.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor-General the Right Hon. Viscount MONCK.

(No. 53.)

MY LORD, Downing Street, September 13, 1866.

I HAVE to acknowledge your despatch No. 112* of the 15th of August, inclosing copies of the Acts intituled respectively "An Act to amend an Act of the present Session, intituled 'An Act to protect the Inhabitants of Lower Canada against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty;'" and "An Act to amend the Ninety-eighth Chapter of the Consolidated Statutes of Upper Canada." * Page 34.

One effect of these Acts is to give an indefinite retrospective operation in Upper Canada to the 3rd section of the Act 22 Vict., cap. 98, itself a re-enactment of the 3rd section of 1 Vict., cap. 3; and in Lower Canada to the 3rd section of the Act 29 Vict., cap. 2.

The giving retrospective operation to an enactment which has been in force since the first year of Her Majesty's reign, though open to objection of principle, can hardly have any practical consequences. But to give such an effect to the recent Act of 29 Vict., is a matter of substantial importance. Under the law as it now stands a man might apparently be punished as a felon for an act which was not a felony when it was committed. Such a retrospective law is liable to serious objection, even as regards Her Majesty's subjects; and in its application to foreigners would be inconsistent with recognized principles of international law.

Probably this consequence of the law now forwarded escaped the attention of your Government. But care must be taken to avoid the embarrassments to which it might give rise, and I have to instruct you that neither of these Acts must on any account be enforced in cases where they would have a retrospective operation.

It will not be possible for me to submit them for Her Majesty's sanction without such modifications as will relieve them from the objections which I have described.

I have, &c.
(Signed) CARNARVON.

The Right Hon. Viscount Monck,
&c. &c. &c.

No. 11. No. 11.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor-Genaral the Right Hon. Viscount MONCK.

(No. 101.)

MY LORD, Downing Street, November 23, 1866.

I HAVE had under my consideration your despatches Nos. 154 and 165,† dated the 6th and 18th October, and I have the honour to inform you that Her Majesty's Government see no objection to the course which your Lordship and the Canadian Government have adopted, and propose to adopt, with regard to certain Fenian prisoners, under the Acts intituled respectively "An Act to amend an Act of the present session, intituled 'An Act to protect the Inhabitants of Lower Canada against Lawless Aggressions from Subjects of Foreign Countries at Peace with Her Majesty,'" and "An Act to amend the Ninety-eighth Chapter of the Consolidated Statutes of Upper Canada." † Pages 35 and 3

I have, &c.
(Signed) CARNARVON.

The Right Hon. Viscount Monck,
&c. &c. &c.

No. 12.

No. 12.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Governor-General the Right Hon. Viscount Monck.

(No. 108.)

My Lord, Downing Street, November 24, 1866.

I HAVE received your telegram stating that you have reserved the sentences of the Fenian convicts, and referring me to Mr. Seward's communication to Sir F. Bruce upon this subject. I have also received your despatch of the 3rd November* and the Reports of Fenian trials.

* Page 37.

Mr. Seward, I observe, applies for a record of the judicial proceedings, and I infer from the papers before me that this request has been granted.

I approve of your having done so. At the same time, having regard to all the circumstances, I am anxious to guard myself from assenting to the proposition that this request could have assumed the form of a demand founded upon strict international right. An application by the prisoners' Counsel through the United States' Consul in Canada, who has had all facilities granted him, might have secured for Mr. Seward all that he desires, and would have been more in accordance with ordinary usage.

But whilst thus ready and anxious to afford the convicts in question every chance of interposing any plea for delay or extenuation which may be fairly open to them through the proper authorities of their country, I am bound to protect the administration of justice in Canada from any claim of supervision which might on a first perusal of Mr. Seward's words be thought to attach to them. Such language might possibly be construed into a claim on the part of the United States' Government to investigate into and to sit as a Court of Appeal upon the judicial proceedings as carried on in an English Court in Canada, and with all the safeguards and sanctions of English jurisprudence.

I am satisfied that no such claim could be intended. It would be, indeed, a pretension that the United States' Government would probably be the first to reject, not only because a nation so jealous of its own honour would scrupulously abstain from any request a compliance with which would be inconsistent with the rights and dignity of an independent State, but because the practice and jurisprudence of the two countries on such a question, are, I believe, almost, if not quite identical.

After a careful perusal of the trials in Toronto, I am convinced that not the faintest shadow of an imputation can, in the opinion of any reasonable person, rest upon the perfect fairness of the proceedings or the justice of the verdict. Not only was there no curtailment of that full measure of liberty and means of defence which is so essential an element in the criminal jurisprudence both of the United States and of Great Britain, but every privilege that could be conceded to the prisoners appears to have been allowed. The case of the Crown was temperately stated, the whole Court concurred in the delays which were asked and granted, and I observe that even the prisoner Lynch bore witness to the fairness and impartiality with which his case was tried.

Her Majesty's Government are requested to grant an amnesty to these prisoners. They have carefully considered the question. They cannot shut their eyes to the very heinous character of the offence. It was neither more nor less than a wanton and lawless attack, with the avowed object of carrying fire and sword into an unoffending Province. It has indeed, providentially, proved to be as fruitless in its result as it was wicked in its design, which contemplated not only murder and rapine in Canada, but the possibility of embroiling two friendly nations in an unnatural war.

Her Majesty's Government are not insensible to the resentment which the people of Canada must feel. They have submitted, and submitted cheerfully, to great sacrifices of their time and their professional avocations. Property has been destroyed, trade injured, and, I grieve to think, valuable lives have been lost.

Nor, again, have the course which the associates and the sympathisers with these unhappy criminals adopted, the language which they are reported to have held, and the idle threats of retaliation said to have been used by them, rendered it easier either for the Canadian people or Her Majesty's Government to overlook the grave character of the offence.

But taking into account the fact that nearly six months have now elapsed, and that nothing has occurred in the interval to detract from the complete success which crowned the efforts of Her Majesty's troops and of the Canadian Volunteers in suppressing the Fenian invasion, and readily accepting the opinion of yourself and your advisers in favour of clemency, Her Majesty's Government are disposed to hope that the ends of justice and wise policy may be secured without recourse to the extreme penalties of the law.

I have therefore thought it my duty to recommend to Her Majesty to extend Her

prerogative of mercy to the prisoners Lynch and Mc Mahon, now lying under sentence of death, and to commute that sentence to twenty years of penal servitude or imprisonment, as the law of Canada may warrant you in assigning.

It is only to be hoped that this act of clemency on the part of Her Majesty may not be misunderstood, and that the punishment to which the capital sentences have been commuted may be of sufficient severity to warn others of the still graver consequences to which they will inevitably render themselves liable by a repetition of such insane and criminal proceedings. But if unhappily this hope should be disappointed, all such persons must be prepared to be visited with the extreme penalties of the law.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

No. 13.

No. 13.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Governor-General the Right Hon. Viscount Monck.

(No. 109.)

My Lord, Downing Street, November 24, 1866.

I HAVE the honour to acknowledge your despatch No. 183* of the 3rd of November, accompanied by various documents in the cases of Robert B. Lynch and the Rev. John MacMahon, lately convicted of felony at Toronto.

* Page 37.

I have in another despatch conveyed to you the views of Her Majesty's Government upon the disposal of these prisoners.

I have, &c.

The Right Hon. Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

No. 14.

No. 14.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to the Officer Administering the Government.

(No. 121.)

Sir, Downing Street, December 28, 1866.

I HAVE the honour to acknowledge the receipt of Lord Monck's despatch No. 204† of the 1st December, inclosing notes in the trials of five Fenian prisoners recently convicted at Toronto.

† Page 52.

I have, &c.

(Signed) CARNARVON.

The Officer Administering the Government.

No. 15.

No. 15.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieutenant-General Sir J. Michel.

(No. 127.)

Sir, Downing Street, January 7, 1867.

I HAVE the honour to acknowledge the receipt of your despatch No. 7‡ of the 13th December last, respecting the decision of Her Majesty's Government in the cases of the condemned Fenian prisoners, Lynch and MacMahon.

‡ Page 65.

You will have been informed by my telegraphic despatch of the 28th ultimo that I considered necessary the promulgation of my despatch on the subject, No. 108§ of the 24th November.

§ Page 82.

I have, &c.

Lieutenant-General Sir J. Michel, &c. &c. &c.

(Signed) CARNARVON.

No. 16.

No. 16.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieutenant-General Sir J. Michel.

(No. 133.)

Sir, Downing Street, February 2, 1867.

* Page 65. I HAVE had before me your despatch No. 17* of the 27th of December, requesting instructions on the case of Thomas Madden, a Fenian convict, on whom capital sentence was passed.

I approve of your not having allowed the penalty of death to be inflicted on this and the other prisoners who were condemned at the same time. I have, however, carefully considered the evidence in this case, and I am of opinion that under all the circumstances it will be right that you should commute Madden's sentence to the same term of twenty years of imprisonment or penal servitude, as may under the Canadian law be fitting, as has already been fixed for the convicts Lynch and MacMahon.

I have, &c.

Lieutenant-General Sir J. Michel, &c. &c. &c. (Signed) CARNARVON.

No. 17.

No. 17.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Lieutenant-General Sir J. Michel.

(No. 134.)

Sir, Downing Street, February 2, 1867.

† Page 73. I HAVE had the honour to receive your despatch No. 7† of the 4th of January, reporting that you had determined, with the advice of your Council, to commute in every case the capital sentence passed on Fenian convicts at the late trials at Toronto to penal servitude for twenty years.

The particulars of these cases must have been fully within the cognizance of yourself and your Council. The crime of which all the prisoners were found guilty appeared to you so grave that it would not, for the present at least, be fit to make a distinction between them, or to award to any of them a smaller amount of punishment than was decided upon for Lynch and McMahon. I see no reason to doubt the correctness of the conclusion at which you and the Council have arrived.

I have, &c.

Lieutenant-General Sir J. Michel, &c. &c. &c. (Signed) CARNARVON.

CORRESPONDENCE respecting the recent Fenian Aggression upon Canada.

Presented to both Houses of Parliament by Command of Her Majesty. 1867.

LONDON:
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

EXTRADITION OF M. LAMIRANDE

FROM

CANADA.

Presented to both Houses of Parliament by Command of Her Majesty.
1867.

LONDON:
PRINTED BY HARRISON AND SONS.

3806

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Correspondence respecting the Extradition of M. Lamirande from Canada.

No. 1.

Earl Cowley to Lord Stanley.—(Received September 15.)

My Lord, *Paris, September* 14, 1866.

MAITRE LACHAUD, one of the most eminent members of the French bar, has addressed me a letter, of which I have the honour to inclose a copy, transmitting a letter from a Frenchman named Lamirande, who appears to have been given up by the Government of Canada to the French Government, under the Extradition Treaty of 1843. As Lamirande requests that his letter may be laid before Her Majesty's Government, I inclose it herewith.

I have, &c.
(Signed) COWLEY.

Inclosure 1 in No. 1.

M. Lachaud to Earl Cowley.

Milord, *Paris, le* 12 *Septembre*, 1866.

J'AI l'honneur de faire parvenir à votre Excellence une lettre que M. Lamirande, ancien caissier de la Banque de France à Poitiers, m'a envoyée pour lui être remise.

Je n'ai pas vu Lamirande, et je ne saurai dèslors rien ajouter aux protestations qu'il élève ; mais si les faits avancés par lui étaient vrais, ils auraient une gravité qui frapperait assurément votre Excellence, et je dois me borner à appeler sur cette lettre sa bienveillante attention.

Je suis, &c.
(Signé) A. LACHAUD,
Avocat de la Cour Impériale.

(Translation.)

My Lord, *Paris, September* 12, 1866.

I HAVE the honour to transmit to your Excellency a letter which M. Lamirande, formerly cashier of the Bank of France at Poitiers, has sent to me for communication to you.

I have not seen Lamirande, and I can therefore add nothing to the protests which he raises ; but if the facts advanced by him are true, they have an importance which will doubtless strike your Excellency, and I confine myself to drawing your kind attention to this letter.

I am, &c.
(Signed) A. LACHAUD,
Avocat de la Cour Impériale.

Inclosure 2 in No. 1.

M. Lamirande to Earl Cowley.

Paris, Prison de la Préfecture de Police,
le 11 *Septembre*, 1866.

Excellence,

J'AI été enlevé de la prison de Montréal, où j'avais été commis par une sentence injuste, pour y attendre mon extradition, dans des conditions telles que je crois qu'en les faisant connaître à votre Gouvernement, il y verra une violation des lois Anglaises, et du Traité d'Extradition entre la France et l'Angleterre, et qu'il pourra vous autoriser à me réclamer au Gouvernement de l'Empereur.

La sentence qui m'avait commis pour l'extradition était frappé d'appel, et le procès, instruit et déjà plaidé devant un Juge d'un degré supérieur au premier, devait se terminer le lendemain à 11 heures du matin par la décision de ce Magistrat, quand se passèrent les faits suivants.

A 11 heures du soir, après avoir assisté au départ simulé du train de Montréal à Québec, le Magistrat en question vint s'assurer lui-même que j'étais bien à la prison. Entre 1 heure et 2 heures du matin, je reçus l'ordre du Directeur de la Prison de me lever et de partir. L'Agent de la Police Française envoyé à ma poursuite s'empara de moi avec l'aide de plusieurs autres personnes, cela de force, et sans pouvoir me montrer l'ordre en vertu duquel on m'entrainait. On me plaça dans une voiture, et on me conduisit à une station du chemin de fer de Montréal à Quebec (la station St. Charles, je crois), et non à la gare de Montréal. Car simulant un départ, pour tromper tout le monde et mon défenseur, et le Juge, qui le lendemain matin à 11 heures devait prononcer sa sentence, et l'autorité elle-même, on avait fait partir le train à son heure habituelle, 10 heures, et on l'avait arrêté pendant trois ou quatre heures à la station dont je parle plus haut. On m'enferma, sous la garde de trois hommes, dans un compartement réservé aux employés de la Compagnie. Je vis passer un de mes avocats à New York, Mr. Spilthorn, la seule personne probablement qui ait pu réussir à s'apercevoir de mon enlèvement. Je voulus lui parler ; on m'a empêcha par la force. Arrivé à Québec, je fus placé à bord du " Damascus," dont on avait retardé le départ, et où l'avocat, dont je viens de parler, demanda en vertu de quel ordre on m'enlevait ainsi. Les personnes qui m'entouraient répondirent qu'elles n'avaient pas de comptes à lui rendre ; qu'elles exécutaient des ordres, et n'avaient aucune pièce à montrer : il se retira, en protestant contre cet incroyable abus de la force.

Arrivé à Liverpool, où ne se trouvait pas de Magistrat compétent pour connaître de mon affaire, on me dirigea sur Londres, où je devais, disait-on, trouver ce Magistrat. Là on me conduisit de nuit à un hôtel, situé dans une rue dont j'ignore le nom, ainsi que celui de l'hôtel. Trois personnes y vinrent ; on me dit que c'étaient des avocats prévenus par une dépêche de M. Doutre, mon défenseur à Montreal. Après une conversation, hors de ma présence, entre ces messieurs et un Canadien qui m'accompagnait depuis Montréal, avec l'Agent de la Police Française, ces trois personnes se retirèrent, sans que je pusse avoir aucune communication avec elles. A 6 heures du matin on me fit sortir de l'hôtel, et on me conduisit au chemin de fer pour Douvres, d'où on m'embarqua pour la France.

Quand j'aurai dit à votre Excellence que la sentence du premier Juge m'inculpe du crime de faux que je crois n'avoir commis, ni selon les lois Françaises ni selon les lois Anglaises ; que dans le procès intenté contre moi à New York on avait même abandonné ce chef d'accusation ; que l'avocat de la Couronne à Montréal a reconnu lui-même que je n'avais pas commis ce crime ; que, d'ailleurs, je ne demande point à être rendu à l'Angleterre pour y être mis en liberté, mais seulement pour que le procès interrompu à Montréal par la force continue, ou que je suis prêt, si on le préfère, à le subir devant la Haute Cour d'Angleterre, ou n'importe quelle autre juridiction, il me semble que le Gouvernement de la Reine pourra être touché de ces graves motifs, et vous priera de me réclamer au Gouvernement de l'Empereur.

Je prie votre Excellence de vouloir bien transmettre ma lettre au Gouvernement Anglais, et de m'en accuser réception.

J'ai, &c.
(Signé) E. S. LAMIRANDE.

P.S.—La pièce qui manquait aux personnes qui m'enlevaient était, je crois, cette exigée par le Traité, en vertu de laquelle j'aurais pû être arrêté régulièrement en France sous l'inculpation du crime pour lequel on demandait mon extradition.

Je viens d'apprendre à l'instant qu'on devait me transférer demain à la Prison de Poitiers (Département de la Vienne), où je prie votre Excellence de me faire connaître le résultat de mes réclamations.

Mes noms et prénoms sont, Surreau Lamirande, Charles Constant Ernest.

(Translation.)

Excellency, *Paris, Prison of the Police Prefecture, September* 11, 1866.

I HAVE been carried off from the prison of Montreal, where I had been committed on an unjust sentence to await my extradition, under such circumstances that in making them known to your Government I think it will perceive therein a violation of the English law, and of the Treaty of Extradition between France and England, and that it will be able to authorize you to reclaim me from the Emperor's Government.

The sentence which had committed me for the purpose of extradition was appealed against, and the case, already brought on and argued before a Judge of a higher rank than the first one, was to be concluded the next day at 11 o'clock in the morning by the decision of this Magistrate, when the following facts occurred:—

At 11 o'clock at night, after having been present at the pretended departure of the Montreal train for Quebec, the Magistrate in question came to assure himself that I was safe in prison. Between 1 and 2 o'clock in the morning I received an order from the Governor of the prison to get up and depart. The French Police Officer, who was sent in pursuit of me, took possession of me with the assistance of several other persons, by force, and without being able to show me the order by virtue of which they were carrying me off. I was placed in a carriage, and taken to a station of the Montreal and Quebec Railway (I think the St. Charles Station), and not to the Montreal terminus. For, making a false start, in order to deceive the public and my counsel, as well as the Judge who was to deliver judgment the following morning at 11 o'clock, and the authorities themselves, the train was started at its usual time, 10 o'clock, and was stopped for three or four hours at the above-mentioned station. I was shut up in custody of three men in a compartment reserved for the use of the servants of the Company. I saw Mr. Spilthorn, one of my New York counsel pass by, probably the only person who had succeeded in discovering my abduction. I wished to speak to him; I was prevented by force. On arriving at Quebec I was put on board the "Damascus," the departure of which had been delayed, and where the counsel of whom I have just spoken, asked by virtue of what order I was thus carried off; the persons who surrounded me replied, that they had no explanations to give him; that they were executing their orders, and had no papers to show. He retired, protesting against this incredible abuse of power.

On arriving at Liverpool, where there was no Magistrate competent to take cognizance of my case, I was taken to London, where I was told such a Magistrate would be found. There I was taken by night to an hotel situated in a street the name of which I do not know, nor yet that of the hotel. Three persons came there; I was told they were lawyers engaged by a despatch from M. Doutre, my counsel at Montreal. After a conversation, at which I was not present, between these gentlemen and a Canadian who accompanied me from Montreal with the French police officer, these three gentlemen retired without my being able to hold any communication with them. At 6 o'clock in the morning I was taken from the hotel and conducted by railway to Dover, from which place I was embarked for France.

When I tell your Excellency that the sentence of the first Judge makes me answerable for the crime of forgery which I do not consider I have committed, either according to French or English laws; that in the proceedings taken against me at New York this count in the indictment was even abandoned; that the Crown Counsel at Montreal himself acknowledged that I had not committed this crime; that besides I do not at all demand to be given up to England to be set at liberty there, but only in order that the proceedings interrupted by force at Montreal may go on, or that I am ready, if it is preferred, to submit the case to the High Court of England, or it matters not to what other jurisdiction, it appears to me that the Queen's Government may be impressed by these weighty reasons, and may request you to reclaim me from the Government of the Emperor.

I beg your Excellency to be pleased to transmit my letter to the English Government and to acknowledge its receipt.

I have, &c.
(Signed) E. S. LAMIRANDE.

P.S.—The document which those persons who carried me off did not possess, was I

I think that which is required by the Treaty, in virtue of which I could have been legally arrested in France on the charge of the crime for which my extradition was demanded.

I have just now heard that I am about to be transferred to the Poitiers prison (Department of Vienne), where I beg your Excellency to acquaint me with the result of my complaints.

My name and surnames are Surreau Lamirande, Charles Constant Ernest.

No. 2.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, September* 26, 1866.

I HAVE referred to Her Majesty's Secretary of State for the Colonial Department your Excellency's despatch of the 14th instant, together with the letter therein inclosed from M. E. S. Lamirande, protesting against his arrest and surrender to the French police authorities at Montreal, as being unwarranted by the terms of the Extradition Convention between this country and France.

I learn from the Colonial Office, in reply, that they are not as yet in possession of any official report from Canada of the facts of this case, and that the Governor-General of that province has accordingly been requested to send home a complete report upon it.

As, however, the circumstances attending Lamirande's extradition, if correctly stated in his protest to your Excellency, afford ground for questioning the legality of his extradition, I have to instruct your Excellency to address a representation to the French Government on this subject, with the view of delaying any further judicial proceedings against the prisoner until Her Majesty's Government are in possession of more authentic information.

I am, &c.
(Signed) STANLEY.

No. 3.

Earl Cowley to Lord Stanley.—(*Received September* 28.)

My Lord, *Paris, September* 27, 1866.

I HAVE had the honour to receive your Lordship's despatch of yesterday's date, on the subject of the arrest and extradition from Canada of M. E. S. Lamirande, under the provisions of the Treaty of 1843, and I inclose a copy of the note which I have addressed to M. de Lavalette in consequence of your Lordship's instructions.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 3.

Earl Cowley to M. de Lavalette.

(Extract.) *Paris, September* 27, 1866.

ABOUT a fortnight ago I received a letter from M. E. S. Lamirande, who has lately been brought from Canada under the provisions of the Extradition Treaty of 1843, protesting against his arrest and surrender to the French police authorities at Montreal, as being unwarranted by the terms of the said Treaty, and requesting me to bring his protest to the notice of Her Majesty's Government.

Although no official information on this subject has as yet reached Her Majesty's Government, there is grave reason to doubt the legality of Lamirande's extradition, and I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to request your Excellency to move the proper authority to delay further proceedings against Lamirande until Her Majesty's Government shall be in possession of more authentic information on which to found a further communication to your Excellency.

No. 4.

Earl Cowley to Lord Stanley.—(*Received September* 28.)

My Lord, *Paris, September* 27, 1866.

I BEG leave to call your Lordship's attention to the inclosed extract from yesterday's evening edition of the "Moniteur," respecting the arrest and extradition of Lamirande, whose case was brought before your Lordship in my despatch of the 14th instant.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 4.

Extract from the "Moniteur" of September 26, 1866.

LES journaux du Canada ont engagé une polémique assez vive, à propos de l'extradition d'un caissier infidèle de la Banque de France, qui s'était réfugié dans ce pays. On sait que toutes les formalités prescrites par la loi ont été observés en cette circonstance. Après enquête et décision du Juge compétent, l'ordre de livrer le prisonnier a été régulièrement donné par le Gouverneur-Général des provinces Britanniques. L'émotion qui s'est produite autour cette affaire, et qui s'attache à des incidents de procédure soulevés en temps inopportun par les avocats du prévenu, semble avoir pris naissance dans un ordre de considérations étranger à la question en elle-même. Les points essentiels ont été exposés avec autorité dans une lettre adressée aux principales feuilles du Canada par le jurisconsulte qui représentait devant le tribunal de Montréal la Couronne Britannique.

(Translation.)

THE newspapers of Canada have begun a somewhat lively discussion respecting the extradition of a fraudulent cashier of the Bank of France who had escaped to that country. It is well known that all the forms prescribed by law have been observed in this matter. After an inquiry and decision by a competent Judge, the order to surrender the prisoner was regularly issued by the Governor-General of the British Provinces. The excitement produced about this case, and which attaches to points of procedure raised inopportunely by the prisoner's lawyers, would appear to originate in a chain of considerations foreign to the question itself. The essential points of the case have been stated with authority in a letter addressed to the principal papers of Canada by the lawyer who represented the British Crown before the tribunal of Montreal.

No. 5.

Earl Cowley to Lord Stanley.—(*Received October* 10.)

My Lord, *Paris, October* 9, 1866.

I HAVE the honour to transmit herewith copy of a note which I have received from M. de Moustier on the subject of the extradition from Canada of M. E. S. Lamirande, in reply to the one which I addressed on the 27th ultimo to M. de Lavalette, a copy of which was inclosed in my despatch of the same date.

M. de Moustier states that the case has been carefully examined by the Minister of Justice, who considers that there exists no irregularity which could invalidate the extradition of Lamirande, and that it would therefore be desirable that Her Majesty's Government should, before coming to any decision upon the subject, communicate to the French Government the facts complained of.

M. Baroche adds, further, that the trial of Lamirande must take place in due course, but that no measure has been taken to hasten it.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 5.

M. de Moustier to Earl Cowley.

M. l'Ambassadeur, *Paris, le 8 Octobre*, 1866.

VOTRE Excellence, en annonçant le 27 Septembre dernier à M. le Marquis de Lavalette que le nommé Lamirande protestait contre son extradition au Canada, a demandé qu'il soit sursis aux poursuites dirigées contre cet accusé jusqu'à ce que le Gouvernement de la Reine ait obtenu les informations propres à la mettre en mesure d'adresser une communication ultérieure au Gouvernement de l'Empereur.

M. le Ministre de la Justice, à qui M. le Marquis de Lavalette s'était empressé de faire part du désir exprimé par votre Excellence, a examiné avec soin les diverses phases de cette affaire et ne pense pas qu'il existe aucune irrégularité de nature à invalider l'extradition de cet accusé.

Dans cet état de choses il serait désirable que le Gouvernement de Sa Majesté Britannique, avant de prendre aucune décision, nous fît connaître les griefs qu'on allègue, et que des explications loyales feront sans doute disparaître. M. Baroche ajoute, du reste, que, quant au jugement de Lamirande, aucune mesure n'a été prise pour en avancer l'époque. Mais votre Excellence sait trop bien que c'est pour l'autorité judiciaire un devoir de se conformer aux régles qui lui sont tracées, sans y rien modifier arbitrairement, pour ne pas comprendre que le moment approche où il deviendra nécessaire de laisser la loi suivre son cours. J'appelle également l'attention de votre Excellence sur ce qu'il y aurait d'anormal de la part du Gouvernement Britannique, aux vœux duquel nous sommes toujours désireux de pouvoir déférer, à remettre en question une procédure dont le résultat pourrait d'autant moins être contesté qu'il s'agit d'un homme placé sous le coup d'une accusation si publique qu'il y a en quelque sorte flagrant délit.

Agréez, &c.
(Signé) MOUSTIER.

(Translation.)

M. l'Ambassadeur, *Paris, October* 8, 1866.

YOUR Excellency, in announcing on the 27th of September last to the Marquis de Lavalette that one Lamirande protested against his extradition from Canada, requested that the proceedings instituted against the accused might be delayed until the Government of Her Majesty were in possession of such information as would enable them to address a further communication to the Government of the Emperor.

The Minister of Justice, to whom the Marquis de Lavalette hastened to communicate the wish expressed by your Excellency, has carefully examined the different bearings of the case, and does not think that there is any irregularity of a nature to invalidate the extradition of the accused.

In this state of things it would be desirable that the Government of Her Britannic Majesty should, before coming to any decision, communicate to us the alleged grievances which, upon frank explanations, will doubtless disappear. M. Baroche adds, however, that no step has been taken to hasten Lamirande's trial. But your Excellency knows too well that it s the duty of the judicial authority to conform to the rules which are laid down for its obs rvance without any arbitary modification thereof, not to understand that the time is drawng near when it will become necessary to allow the law to take its course.

I ikewise call to your Excellency's attention what an anomalous course it would be on the part of the British Government, to whose views we are always anxious to be able to defer, to bring again in question proceedings of which the result could the less be contested, as they relate to a man who lies under a charge so public that it is in some measure a case *flagrante delicto*.

Accept, &c.
(Signed) MOUSTIER.

No. 6.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, October 25*, 1866.

HER Majesty's Government are desirous of knowing, as soon as possible, whether the French Government propose that Lamirande should be brought to trial, and when.

Lord Carnarvon has not received from Lord Monck the particulars of the case, which he has been called upon to supply; and it is, therefore, only upon very meagre

information that I am able to consult the Law Officers, as to the propriety of making any formal communication to the French Government.

It is under these circumstances very desirable that as much delay as possible should take place in bringing the case on for trial.

I am, &c.
(Signed) STANLEY.

No. 7.

Earl Cowley to Lord Stanley.—(Received November 9.)

My Lord, *Paris, November 8, 1866.*

WITH reference to your Lordship's despatch to me, of the 25th ultimo, and to my telegram of 2·25 A.M. yesterday morning, relative to the date to be fixed for the trial of Lamirande, I have the honour to inclose herewith copy of a note which I have received from M. de Moustier, in which his Excellency informs me that the Assizes at which this trial will take place commence upon the 26th of this month.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 7.

M. de Moustier to Earl Cowley.

M. l'Ambassadeur, *Paris, le 6 Novembre, 1866.*

VOTRE Excellence, dans sa lettre du 28 Octobre dernier, m'a exprimé le désir du Gouvernement de la Reine d'être informé de l'époque à laquelle doit avoir lieu le jugement de Lamirande.

M. le Ministre de la Justice me fait connaître que la session des Assises de la Vienne, où doit être portée l'affaire de cet accusé, s'ouvrira le 26 de ce mois.

Agréez, &c.
(Signé) MOUSTIER.

(Translation.)

M. l'Ambassadeur, *Paris, November 6, 1866.*

IN your letter of the 28th of October last your Excellency expressed to me the wish of Her Majesty's Government to be informed of the date when the trial of Lamirande was to take place.

The Minister of Justice acquaints me that the session of the Vienne Assizes, before which the case of the accused is to be brought, will open on the 26th of this month.

Accept, &c.
(Signed) MOUSTIER.

No. 8.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November 10, 1866.*

IT has not been in my power before to-day to furnish your Excellency with instructions respecting the case of M. Lamirande's forcible extradition from Canada. The papers successively received from the Colonial Office on the subject are so voluminous that even now the Law Officers of the Crown, to whom they have necessarily been referred, have been unable to consider them so fully as to admit of their forming a decided opinion on the conduct of the Colonial authorities in the transaction.

But, as regards the question as it affects M. Lamirande personally, I am advised that although Her Majesty's Government could not demand, or claim as of right, that he should be remitted to Canada in order that the question of his liability to extradition might be there legally decided, yet the circumstances of the case are so peculiar that Her Majesty's Government may fairly make a friendly representation to the French Government on his behalf.

I have accordingly to instruct your Excellency to say to M. de Moustier that Her Majesty's Government have ascertained that the warrant for M. Lamirande's extradition was issued by the Governor-General of Canada in ignorance that the prisoner had applied

to the proper tribunal to order his discharge on the ground that the case was not within the provisions of the Treaty. It appears that while this point was actually under discussion before the Judge, who had adjourned the case to the following morning, the warrant was obtained from the Governor-General, who was wholly uninformed of these facts, and who would not have issued the warrant if he had been aware of them.

Your Excellency will further say that, in the opinion of the Judge before whom the matter was pending, the case did not come within the provisions of the Treaty, and that the prisoner ought not to be delivered up; and, moreover, that the prisoner was carried away under the warrant of the Governor-General notwithstanding the personal protest of the Judge. Her Majesty's Government are advised that there is good reason to believe that the opinion of the Judge was well founded in law, and that the prisoner ought not to have been surrendered.

Your Excellency, while carefully abstaining from making any claim or demand as of right, will say that, under these circumstances, Her Majesty's Government hope that the French Government will consent to the prisoner being replaced in that position from which he was improperly removed.

I am, &c.
(Signed) STANLEY.

No. 9.

Earl Cowley to Lord Stanley.—(Received November 14.)

(Extract.) *Paris, November 13, 1866.*

I SAW M. de Moustier yesterday afternoon, on the subject of your Lordship' despatch of the 10th instant, relating to the case of Lamirande.

While carefully abstaining, in pursuance of yonr Lordship's instructions, from making any demand or claim as of right that Lamirande should be remitted to Canada, I also avoided committing Her Majesty's Government to the expression of any opinion that such right did not exist; because, should the French Government be found willing to meet the wishes of Her Majesty's Government by the surrender of Lamirande, it might become necessary, in order to justify that surrender, that some claim as of right should be put forward by Her Majesty's Government.

I confined myself, therefore, to stating to M. de Moustier the circumstances attending Lamirande's arrest and extradition, and the doubts which prevailed in the mind of Her Majesty's Government of the legality of those proceedings; and I asked whether the French Government would not be disposed to meet the wishes of Her Majesty's Government, which I was desired to express, that Lamirande, in consequence of these doubts, should be replaced in the position from which he had been improperly removed.

M. de Moustier did not give me much encouragement to hope that my appeal would be favourably listened to. His Excellency said that he did not see, Lamirande being now in the hands of justice, by what process he could be delivered from them except by a trial.

His Excellency added that although no blame could in any way attach to the French Government in these transactions, he was personally most anxious to meet the wishes of Her Majesty's Government. He might add that such was also the Emperor's desire. But he must confess he did not see his way to it. If, however, I would give him a written statement of the position of Her Majesty's Government in this matter, he would see the Minister of Justice upon the subject, and bring it before the Council of Ministers at its next meeting. He would also cause inquiries to be made whether any similar case had ever occurred before, that is, whether any Government with which France had an Extradition Treaty, had ever recovered an individual surrendered illegally, and, if so, what had been the course followed.

I gave M. de Moustier a statement compiled from the third and fourth paragraphs of your Lordship's despatch alluded to above.

No. 10.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November 15, 1866.*

I HAVE received your despatch of the 13th instant, reporting a conversation with M. de Moustier respecting the case of M. Lamirande; and I have to acquaint

you that Her Majesty's Government entirely approve the language which you held on that occasion.

It appears from what M. de Moustier said to your Excellency that the French Government are not disposed to replace M. Lamirande in the same position in which he was before he was made over to the French Police Officer in Canada; doubting, on the one hand, their power to do so, as the law stands, and hesitating, on the other, as to the effect which their doing so might have on public opinion in France.

The case is, indeed, beset with difficulty. It is quite clear, at least in the opinion of the Judge in Canada before whom the case was pending, and which is adopted and confirmed by the Law Officers of the Crown in England, who have now had the opportunity of examining all the documents connected with the transaction, that the charge on which M. Lamirande was given up did not come within the provisions of the Treaty, and that he therefore ought not to have been surrendered.

The French Government appear to hold that having got the prisoner into their possession, certainly, as they say, without any blame attaching to them in regard to the manner in which they did so, they cannot let him go without a trial. But your Excellency may point out to M. de Moustier that however free from blame the French Government itself may be, the French authority in Canada, who set the matter in motion, can hardly stand acquitted of having done so without warrant, and, in fact, in excess of the Treaty engagements between England and France. For the stipulation of the 1st Article of the Treaty of 1843 expressly provides that requisitions for extradition shall be made through the medium of a Diplomatic Agent, which a Consul is not, and therefore the application of the French Consul to the Governor-General in Canada was one wholly unauthorized by Treaty, should never have been made by the Consul, and should never have been listened to by the Governor-General.

Lord Monck, apparently not adverting to the special terms of the French Treaty, and being doubtless anxious to meet the requisition of the French Consul, authorized the apprehension of M. Lamirande; but his Excellency may probably have been led to accede to the requisition of the French Consul without strictly scrutinizing the authority under which it was made, by imagining that the terms of the Treaty between England and France on this point were identical with those of the Treaty between England and the United States, with which, from the proximity of the two countries, he was more familiar.

But the two Treaties are widely different in this respect. The former expressly requires the intervention of a "Diplomatic Agent;" the latter stipulates in more general terms that the requisitions of extradition may be made by the "Ministers, officers, or authorities" of the Contracting Parties.

Accordingly, the French Government may fairly be asked, in dealing with this question as regards M. Lamirande, to consider that their own Consul has been party to the error which in its results has placed that person in the hands of French justice.

Her Majesty's Government, however, would not think it right, while requesting the French Government to redress the wrong which, from mutual misapprehension of their respective authorities, has unquestionably been done to M. Lamirande, to conceal from them, what, however, they doubtless must be fully aware of, that the effect of the prisoner being remitted to Canada would most likely be that he would obtain his release; and the same result would probably attend an application to the Courts of England in the event of his being brought to this country on his way to Canada, inasmuch as a writ of habeas corpus might be obtained from the Courts or from a Judge in England, with a view to his discharge from custody.

It would seem, therefore, superfluous to attempt to send him to Canada, which could hardly be effected without his passing through this country.

The circumstances of the case, however, are so peculiar that it is well deserving of the attention of the French Government whether the difficulties with which it is surrounded may not be indirectly obviated.

The French Government may not be disposed to send the prisoner back to Canada with the certainty of his being set free, not by any act of grace on their part exercised there, but by the ordinary process of law. They might be as little disposed to send him to this country, and then to apply in the usual manner through the French Embassy for his extradition, with the knowledge that the legal authorities here consider the case not to come within the provisions of the Extradition Treaty. But it may be possible for the French Government, by their own action, to place the prisoner practically in the same position in which he would have stood if the legal proceedings in Canada had not been so strangely interrupted. In that case M. Lamirande would indeed have been set free, but he would not have been acquitted of the crime laid to his charge. He must have

remained an exile from his country, and the French Government will probably not contend that such would be no real punishment, although it would not be the precise punishment which the law would have awarded to him if he had been tried in France.

Could not the French Government, looking to all the circumstances of the case, waive a formal trial, on the condition that M. Lamirande forthwith quits France never to return, leaving the prosecution to stand over as a guarantee for his observance of the condition, or for his submitting to a trial if he disregarded it?

It appears to Her Majesty's Government that by some course of this kind the French Government might set at rest the question between the two Governments arising out of the case; and your Excellency will accordingly suggest it for their consideration. The ends of justice, so far as the punishment of the criminal is concerned (supposing him to be such), would at all events be partially satisfied by its adoption; while the error, for so it must be considered, both of the British Colonial authorities and of the French Consular authority, would have been redressed, and the position of the prisoner left as it would have been if no such error had been committed.

I am, &c.
(Signed) STANLEY.

No. 11.

Lord Stanley to Earl Cowley.

(Extract.) *Foreign Office, November* 15, 1866.

WITH reference to my despatch of the 10th instant, to your despatch of the 13th, and to my despatch of this day, and also to my despatch of the 13th instant, and to your telegram and my reply of yesterday, I have to state to your Excellency that Her Majesty's Government approve of your having refrained, in conversation with M. de Moustier, from disclaiming any right to demand the surrender of M. Lamirande; but the opinion of the Law Officers of the Crown is so decided on that point that I must again caution you, without further instructions, not to advance any such claim.

No. 12.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November* 15, 1866.

I SHOULD have wished to furnish your Excellency with a copy of the "Mandat d'Arrêt" on which the extradition of M. Lamirande was demanded by the French Consul-General in Canada, but as the document does not appear to have been sent home by the Governor-General, it is probable that it was returned to the Consul-General according to his request, stated in the inclosed copy of his letter to the Provincial Secretary.

The crime, however, with which M. Lamirande stood charged, is described by the Consul-General in the same letter in the following terms:—

"Lequel" (Ernest Surreau Lamirande) "s'est rendu coupable non seulement d'un vol de 700,000 francs au préjudice de cette succursale de la Banque de France à Poitiers, mais aussi du crime de faux en écriture en falsifiant ses livres et son bordereau de situation, et faisant ainsi figurer comme présente dans la caisse la somme volée de 700,000 francs, crime prévu par les dispositions du Traité d'Extradition conclu entre la France et l'Angleterre en Février 1843, dont je transcris ici une partie."

To the same effect, Melin, the French police officer charged with the execution of the warrant, deposes on the 18th of July:—

"Que de plus le dit Charles Surreau de Lamirande, dit Lamirande, a falsifié frauduleusement les livres de comptabilité de la dite succursale de la dite Banque de France à Poitiers, Haute Vienne susdit, en y faisant figurer comme présente dans la caisse de la banque cette somme de 700,000 francs susdits qu'il s'était appropriée, et qu'il s'est aussi rendu coupable d'un faux en chargeant et falsifiant son bordereau de situation, et qu'ainsi il tombe sous dispositions du Traité existant entre l'Angleterre et la France pour l'extradition des criminels."

I am, &c.
(Signed) STANLEY.

Inclosure in No. 12.

M. Gautier to Mr. Mc Dougall.

Monsieur, *Québec, le* 18 *Juillet*, 1866.

J'AI l'honneur de vous adresser ci-inclus un affidavit fait pardevant M. le Juge Taschereau, de la Cour Supérieure à Québec, par le Sieur Edme Justin Melin, Inspecteur Principal de Police à Paris, à l'effet d'obtenir l'arrestation et l'extradition ensuite du nommé Ernest Surreau Lamirande, Caissier de la Succursale de la Banque de France à Poitiers, Département de la Haute Vienne, Empire Français, lequel s'est rendu coupable non seulement d'un vol de 700,000 francs au préjudice de cette succursale de la Banque de France à Poitiers, mais aussi du crime de faux en écriture en falsifiant ses livres et son bordereau de situation, et faisant ainsi figurer comme présente dans sa caisse la somme volée de 700,000 francs, crime prévu par les dispositions du Traité d'Extradition conclu entre la France et l'Angleterre en Février 1843, dont je transcris ici une partie :

"By a Convention between Her Majesty the Queen of Great Britain and Ireland and the then Sovereign of France, signed at London on the 13th February, 1843, the ratifications whereof were exchanged at London on the 13th day of March in the same year, it was agreed that the High Contracting Parties should, on requisition made in their name through the medium of their respective Agents, deliver up to justice persons who being accused of the crimes of murder, forgery or fraudulent bankruptcy, committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other.

"In order to carry the Convention into effect, the British Parliament, on the 22nd August, 1843, passed the Act 6 and 7 Vict., cap. 75, in which, after reciting the Convention, it is enacted that in case requisition be made pursuant to the Convention to deliver up to justice any person who being accused of having committed, after the ratification of the Convention, any of the above crimes, within the territories and jurisdiction of His Majesty the Emperor of the French, shall be found within the dominions of Her Majesty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the officer administering the Government of any such Colony or Possession, by warrant under his hand and seal to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the persons so accused and committing such persons to gaol for the purpose of being delivered up to justice according to the provisions of the said Convention.

"It shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the officer administering the Government of any such Colony or Possession, by warrant, to deliver up offenders to the authorities of France."

Je prends donc la liberté, M. le Secrétaire Provincial, de vous prier de vouloir bien requérir de son Excellence M. le Gouverneur-Genéral, en vertu des pouvoirs que lui confère la susdite Convention, le warrant nécessaire pour arrêter et extrader ensuite le susnommé Ernest Surreau Lamirande.

Je vous serai obligé de me faire parvenir ce warrant le plus tôt possible.

Je crois utile de joindre ici le mandat d'arrêt émané du tribunal civil de Poitiers, et dûment légalisé par le Consul de Sa Majesté Britannique à Paris. Veuillez, je vous prie, me renvoyer cette pièce avec le warrant du Gouverneur-Général.

Je saisis, &c.

Le Consul-Général de France,

(Signé) FRED. GAUTIER.

(Translation.)

Sir, *Quebec, July* 18, 1866.

I HAVE the honour to inclose to you herewith, an affidavit made before Judge Taschereau, of the Superior Court of Quebec, by Edme Justin Melin, Chief Inspector of Police at Paris, with the object of obtaining the arrest and subsequent extradition of one Ernest Surreau Lamirande, cashier of the Branch of the Bank of France at Poitiers, in the Department of Haute Vienne, in the French Empire, who has been guilty not only of a robbery of 700,000 francs to the loss of that Branch of the Bank of France at Poitiers, but also of the crime of forgery, in having falsified his books and his bank return, and in

having thus represented the stolen sum of 700,000 francs as still included in his cash, a crime within the purview of the stipulations of the Extradition Treaty concluded between France and England in February, 1843, from which I here transcribe an extract:—

"By a Convention," &c.

I therefore take the liberty, Mr. Secretary, to beg that you will be so good as to request his Excellency the Governor-General, in virtue of the powers conferred on him by the above-mentioned Convention, to issue the necessary warrant for the arrest and subsequent extradition of the above-mentioned Ernest Surreau Lamirande.

I shall be obliged by your sending me the warrant as soon as possible.

I think it well to inclose herewith the warrant issued by the Civil Tribunal at Poitiers, and duly legalized by Her Britannic Majesty's Consul at Paris. Be good enough, I beg, to return me this document, together with the Governor-General's warrant.

I avail, &c.

(Signed) FRED. GAUTIER,
French Consul-General.

No. 13.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November* 16, 1866.

I THOUGHT it desirable that the Law Officers should be apprized of the language held to you by M. de Moustier in the Lamirande case, as reported in your despatch of the 13th instant; and I have now to acquaint your Excellency that the Law Officers consider that it is impossible to deny the force of M. de Moustier's reasoning.

It must indeed be admitted that if the situations were reversed, and the restoration of a French subject, given up under the Extradition Treaty, and about to undergo trial before an English Tribunal, were demanded or requested by the French of the English Government, the latter would be constrained to reply that the Executive Government had no power to remove a prisoner from the judicial authority to which he had been submitted, or in any way to stop the course of justice with respect to him, by whatever error on the part of the French Government he might originally have been placed within the jurisdiction of the Court.

Her Majesty's Government, looking at the question in this light, could not consider the refusal of the French Government to give up M. Lamirande as affording any ground whatever of offence to this country.

Your Excellency will understand that I make this communication for your private information only.

I am, &c.

(Signed) STANLEY.

No. 14.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November* 16, 1866.

THINKING it desirable that your Excellency should be informed as to what is considered in this country a legal definition of the crime of forgery, I have asked the Law Officers to supply me with it, and also to state the bearing of that definition on the words as used in the Extradition Treaty with France, and on the statements of the French Consul-General in Canada and of the French police officer Melin, of which I sent you copies in my despatch of yesterday, setting forth the crimes of which Lamirande was accused.

I have now to acquaint your Excellency that I am advised that forgery, by the common law of England, may be defined to be the fraudulently counterfeiting any written document in whole or in part, or altering or adding to it, or making it falsely to appear to be the genuine writing or instrument of some other person, with intent to defraud or prejudice another; and that by one of the statutes for consolidating the Criminal Law, namely, the 24 and 25 Vict., cap. 98, a variety of cognate acts are defined and classed under the general head of forgery; and by various special statutes the counterfeiting or falsification of various public acts and other documents is also declared to be forgery.

The term "forgery" in the statute for giving effect to the Extradition Treaty with France would, I am advised, include all the above cases.

But a mere false statement in writing, which does not purport to be the writing of another person, is not forgery: for instance, if a man fraudulently signs the name of A. B., without authority, to a bill of exchange, it is forgery; but if he fraudulently signs the bill in his own name, "per procuration of A. B.," having no authority, it is only a false statement and a fraud, but not a forgery. So, if a person makes a false entry in a banker's pass book, as if it were, and purporting to be, the banker's entry, with a view to defraud, it is forgery; but if he makes a false entry in his own book, and purporting to be his own entry, with the like intent, it is a fraud, but is not a forgery.

According to the opinion of the Court of Queen's Bench, a forgery, to come within the French Extradition Treaty and Statute, must be what would be considered forgery according to the law of England as well as of France; but I am informed that this opinion is rather questionable.

But as regards the question now at issue, it would appear from the statements made in the letter of the French Consul-General and in the deposition of the French police officer, that Lamirande was not charged with or guilty of forgery, or counterfeiting the entry of any other person; but that he was charged with embezzlement and with making fraudulent and false entries in his own books, which would not be forgery according to the law of England within the meaning of the Extradition Statute.

I am, &c.
(Signed) STANLEY.

No. 15.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November* 19, 1866.

I HAVE thought it desirable to obtain the opinion of the Law Officers on the question whether the charge made against Lamirande by the French Consul-General in Canada, being that of falsifying his books and *bordereau*, if these books are the ledgers of the Bank of France entrusted to his keeping and not M. Lamirande's private accounts, would that bring him within the accusation of forgery; and I have to state to your Excellency that I am informed that this would not be forgery according to the laws of England.

I am, &c.
(Signed) STANLEY.

No. 16.

Earl Cowley to Lord Stanley.—(Received November 21.)

My Lord, *Paris, November* 20, 1866.

I HAD the honour to receive on the 16th instant your Lordship's despatches of the previous day, and on the 18th instant your despatches of the 16th, all relating to the case of Lamirande.

In execution of your Lordship's several instructions, I wrote a letter to M. de Moustier on the 18th, inclosing a Memorandum of the points on which exception could, in the opinion of Her Majesty's Government, be taken with reference to the legality of Lamirande's arrest, and I told his Excellency that I was ready to wait upon him to discuss these matters with him whenever it would suit him to receive me.

A copy of this Memorandum is inclosed, for your Lordship's information.

His Excellency appointed this afternoon to see me, and I give your Lordship the result of our interview.

M. de Moustier said, that since we had last met he had examined thoroughly with the Minister of Justice the question of the possibility of surrendering Lamirande now that he was in the hands of justice, and that he could authorise me to inform Her Majesty's Government that it had been decided that, inasmuch as Lamirande had been placed in his present position by the administrative act of the Minister for Foreign Affairs, that Minister could recover him from the hands of justice, provided that he was satisfied of the right of Her Majesty's Government to claim his surrender, and this recovery might be made now or even after Lamirande's trial, and, if found guilty, after his conviction.

The question, then, which he had to consider was, how far Her Majesty's Government had right on their side, and for this purpose he must decide on the two points raised in my Memorandum, and he really had not had sufficient time to examine them; there certainly would not be time to discuss them thoroughly with Her Majesty's Government before the day fixed for Lamirande's trial; the trial, therefore, must proceed. In the meantime the discussion between the two Governments might go on, and he could assure me most positively that he had no other wish than to examine with the utmost impartiality all the bearings of the case, and should Her Majesty's Government satisfy him that the provisions of the Treaty of 1843 had not been complied with, no difficulty whatever would be made in surrendering Lamirande, even should he have been convicted in the meantime.

Referring again to the points raised in my Memorandum M. de Moustier observed that, as at present advised, he must take exception to the doctrine contained in the first point; that the French Consul-General in Canada was not competent to make the demand for Lamirande's extradition. If this were the case, his Excellency said, if this doctrine were to hold good, the Treaty would become inoperative in all Her Majesty's colonies; moreover, according to French custom, Consular Agents holding under no diplomatic authority, as was the case in Her Majesty's colonies, were always considered to possess the diplomatic character necessary to enable them to exercise such diplomatic functions as the welfare of French subjects required.

As to the other question whether the crime of which Lamirande was accused amounted to forgery or not, he really was not in a position at this moment to discuss it with me. If he was to trust to those who were more conversant with the subject, he must suppose that there was good reason to believe that it would be shown that Lamirande's acts amounted to forgery according to British law.

I replied that Her Majesty's Government would receive with great satisfaction the assurances which M. de Moustier had given me of his desire to examine this matter with impartiality, and to surrender Lamirande should it be seen that his extradition had been irregularly obtained. I needed hardly to assure him, on the part of Her Majesty's Government, that there was no desire to shield a man accused as was Lamirande; but they were guardians of a Treaty which had been sanctioned by Parliament, and were bound to bring any infractions of it to the notice of the French Government. As yet I had been instructed to do no more. The communications which had passed between the two Governments might be considered to have amounted to an exchange of opinions only, and I would lose no time in informing your Lordship of the intentions of the Imperial Government, and of asking for further instructions.

M. de Moustier rejoined that such was the light in which he wished the discussion should be continued, and that it should not be made a question between Government and Government.

I then said that with regard to Lamirande's trial Her Majesty's Government had hoped that it might have been dispensed with, and that Lamirande might, perhaps, have been set at liberty without being formally surrendered to the British Government, under the condition of quitting France for ever. M. de Moustier replied that such a course would be impossible; the trial could not be avoided. He was, moreover, of opinion that the facts which must be elicited at the trial, and which were now imperfectly known, would throw light upon the whole subject, and would enable the two Governments to mature their judgments.

It seemed to me that under the instructions which I have received from your Lordship, I could not with propriety press the matter further, and I let it drop.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 16.

Memorandum.

HER Majesty's Government are desirous of submitting the following observations for the consideration of the Imperial Government:—

Her Majesty's Government, while freely admitting that no responsibility attaches to the Imperial Government in the proceedings which have led to the present dilemma, cannot but hold the opinion that the French authority in Canada, who set the matter in motion, can hardly stand acquitted of having done so without warrant, and, in fact, in excess of the Treaty engagements between England and France.

For the stipulation of the Ist Article of the Treaty of 1843 expressly provides that requisitions for extradition shall be made through the medium of a Diplomatic Agent,—which a Consul is not,—and therefore the application of the French Consul-General at Quebec to the Governor-General in Canada was one wholly unauthorized by Treaty, and should never have been made by the Consul-General.

No doubt the application of the Consul-General should never have been listened to by the Governor-General of Canada, and Her Majesty's Government do not seek to exonerate the Canadian authorities from the responsibility which belongs to them; but Her Majesty's Government submit that the Imperial Government may fairly be asked, in dealing with this question, to consider that their own Consul-General has been party to the error, which in its results have brought Lamirande within the jurisdiction of French Tribunals.

Again, the crime of which Lamirande is accused is thus described in the letter of the Consul-General to the Provincial Secretary of Quebec:—"Lequel "(speaking of Lamirande) "s'est rendu coupable non-seulement d'un vol de 700,000 francs au préjudice de la succursale de la Banque de France à Poitiers, mais aussi du crime de faux en écriture en falsifiant ses livres et son bordereau de situation, et faisant ainsi figurer comme présente dans sa caisse la somme volée de 700,000 francs, crime prévu par les dispositions du Traité d'Extradition conclu entre la France et l'Angleterre en Février 1843."

It would appear, then, by this letter, that the offence with which Lamirande is charged is one of embezzlement, and making false entries in his books, and it is supposed that the Consul-General assumes that these offences come within the legal meaning of the term "forgery," the only crime mentioned in the Treaty of 1843 at all applicable to the present case.

It may be as well to state here the definition of "forgery," according to the common law of England.

Forgery by the common law of England may be defined to be the fraudulently counterfeiting any written document, in whole or in part, or altering or adding to it, or making it falsely to appear to be the genuine writing or the statement of some other person, with intent to defraud or prejudice another.

By one of the statutes for consolidating the criminal law, a variety of cognate acts are defined and classed under the head of forgery, and by various special statutes the counterfeiting or falsification of various public acts and other documents is also declared to be forgery. But a mere false statement in writing, which does not purport to be the writing of another person, is not forgery.

As regards the question at issue, it does not appear Lamirande is charged with counterfeiting the entry of any other person, which would be forgery, but that he is charged, as has been stated above, with embezzlement, and with making fraudulent entries into his own books, which would not be forgery according to the law of England.

No. 17.

Earl Cowley to Lord Stanley.—(*Received November* 24.)

My Lord, *Paris, November* 23, 1866.

THE trial of Lamirande is fixed for Monday, the 3rd December.

Your Lordship may like to know more precisely of what he is accused.

Lamirande was cashier to the branch of the Bank of France established at Poitiers. As such he had considerable sums to receive and to pay, and consequently a deposit of a large amount was continually in his hands. The gold is tied up in bags containing a certain number of napoleons, which are liable to be visited from time to time by inspectors, who open them and see that their contents are correct; but these inspectors generally content themselves by opening one or two bags, and by weighing some of the others. Lamirande seems to have been in the habit of taking a few napoleons at a time from some of these bags, which he took care should never come into circulation, giving them the proper weight by the addition of lead, and placing them where there would be the least chance of their being opened. His books at the same time were kept as if the the proper amount of money was in his hands. Something having occurred to excite suspicion, Lamirande determined to abscond, taking with him a large sum of money in addition to those already stolen.

I have, &c.

(Signed) COWLEY.

No. 18.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, November* 28, 1866.

AS in any discussion with the French Government which may hereafter take place on the subject of M. Lamirande's case much may turn on the precise nature of the charge against him, and of the evidence that may be adduced in support of it, I think it desirable that your Excellency should employ some competent person to watch the trial and to report fully upon it; taking care, however, in doing so not to appear to manifest any doubt as to the propriety of the manner in which the proceedings are conducted.

I am, &c.
(Signed) STANLEY.

No. 19.

Earl Cowley to Lord Stanley.—(Received December 3.)

My Lord, *Paris, December* 2, 1866.

IN compliance with the instructions contained in your Lordship's despatch of the 28th ultimo, I have desired M. Treite to proceed to Poitiers to be present at the trial of Lamirande, and to report to me full particulars for your Lordship's future information.

I have cautioned M. Treite not to express any opinion upon the proceedings at the trial.

I have, &c.
(Signed) COWLEY.

No. 20.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, December* 4, 1866.

HER Majesty's Government have had under their consideration your Excellency's despatch of the 20th ultimo, inclosing a copy of a memorandum which you had communicated to the French Government, founded upon the instructions and observations contained in my despatches in regard to the pending trial of M. Lamirande, and the question of his surrender to the British Government.

Her Majesty's Government are glad to receive the assurance of the French Government as reported in your Excellency's despatch, that the trial and its result, if such result should be a conviction, will not bar the surrender of M. Lamirande.

Her Majesty's Government will await, though not without anxiety, the decision of the French Government on the representations made to them; and in the meanwhile they are quite content that the discussions on the subject should be carried on in the confidential form in which they have hitherto been conducted.

In conclusion I have to express to your Excellency my approval of your language to M. de Moustier, as reported in your despatch above referred to.

I am, &c.
(Signed) STANLEY.

No. 21.

Earl Cowley to Lord Stanley.—(Received December 7.)

My Lord, *Paris, December* 6, 1866.

M. TREITE returned to Paris this morning from attending the trial of Lamirande. I had the honour to inform your Lordship by telegraph that Lamirande had been found guilty of forgery ("faux") and sentenced to ten years' reclusion. He has appealed in Cassation, and the whole question will be gone into before that Court.

M. Treite will furnish me with a full report of the proceedings on the trial, but it

cannot be ready for a few days. I reserve all remarks until I have sent it to your Lordship.

I will only observe that the punishment of reclusion is more severe than imprisonment, and carries with it the penalty of the loss of all civil rights.

I have, &c.
(Signed) COWLEY.

No. 22.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, December* 7, 1866.

IT is stated in a daily paper that a few weeks since a criminal whose capture or surrender had been improperly obtained in Switzerland, was, after conviction and sentence in France, sent back to Switzerland by order of the Imperial Government, on the ground of the antecedent irregularity.

I have to instruct your Excellency to make immediate inquiry into this matter, and, if the statement is correct, you will not fail to call M. de Moustier's attention to it as furnishing a strong precedent for giving up M. Lamirande.

I am, &c.
(Signed) STANLEY.

No. 23.

Earl Cowley to Lord Stanley.—(Received December 14.)

(Extract.) *Paris, December* 11, 1866.

I HAVE the honour to inclose herewith copy of a letter from M. Treite, transmitting a compte-rendu of the trial of Lamirande, and containing observations upon the proceedings. This letter does not throw much light upon the matter.

The case is certainly a curious one. Lamirande was arraigned in the acte d'accusation for having stolen 700,000 francs from the Bank of France, of which he was the cashier at Poitiers, and of having concealed this robbery by means of false accounts rendered to his superiors. At the trial the charge of theft was abandoned, and Lamirande was tried on the charge of "faux." Probably this was done with a view of bringing the crime within the meaning of the Extradition Treaty of 1843.

Your Lordship will observe that the Court declared itself incompetent to decide the question whether the extradition of Lamirande was accomplished according to the stipulations of that Treaty. The legality of this decision will be disputed before the Court of Cassation.

Inclosure 1 in No. 23.

M. Treite to Earl Cowley.

Milord, *Paris, ce* 10 *Décembre*, 1866.

CONFORMEMENT au désir exprimé par votre Excellence, je suis allé à Poitiers, assister aux débats du procès de Lamirande, ramené du Canada, et livré au Gouvernement Français.

Ces débats, disait-on généralement, présenteraient les plus intéressantes discussions au point de vue du droit international de l'extradition.

Effectivement, les défenseurs de l'accusé avaient préparé tout un système d'attaques contre l'extradition de Lamirande, en fait et en droit; ils devaient démontrer que les circonstances qui ont accompagné cette extradition constituaient des actes de surprise, de fraude, de violence, et d'outrages aux lois Anglaises. L'on devait surtout argumenter de la déclaration publique de M. Drummond, Juge à la Cour du Banc de la Reine, lequel avait, le 25 Août, 1866, déclaré l'extradition illégale; bref, on devait plaider que Lamirande avait été volé au Gouvernement Anglais. Le mot du reste a été dit à l'audience; votre Excellence le trouvera à la page 7 du compte-rendu* des débats, que j'ai

* Page 27.

l'honneur de lui remettre ci-joint. Aussi, l'attention publique était-elle vivement excitée; mais elle a été totalement trompée.

En effet, l'Avocat-Général, en vertu d'instructions indubitablement émanées du Ministère de la Justice, s'est opposé à l'admission des conclusions posées par les défenseurs sur la question d'extradition. Ces conclusions (page 3 du compte-rendu*) sont très-explicites; l'Avocat-Général a soutenu que la question d'extradition ne pouvait pas être discutée devant le pouvoir judiciaire, dès que le pouvoir exécutif avait déclaré que l'extradition était légale et en bonne forme; que l'extradition était le fait du prince dans ses relations internationales, relations qui ne peuvent, en aucun cas, tomber sous l'appréciation de l'autorité judiciaire, &c., &c. Les développements donnés à la discussion de cette question dans les plaidoiries sont aux pages 5 et 6 du compte-rendu.†

Malgré les efforts de la défense, la doctrine soutenue par M. l'Avocat-Général a été consacrée par un arrêt de la Cour d'Assises. Cet arrêt me paraît bien fondé en droit. Sa doctrine est du reste conforme à l'avis légal que j'ai eu l'honneur de soumettre à votre Excellence le 17 Novembre dernier touchant l'extradition de Lamirande.‡

* Page 24. † Page 25.

‡ *M. Treite to Lord Cowley.*

Milord, *Paris, le 17 Novembre*, 1866.

CONFORMEMENT au désir que m'a exprimé votre Excellence, j'ai fait des recherches très minutieuses dans les recueils et les auteurs pour voir s'il n'y était pas question d'un cas où un Gouvernement, après avoir extradé un criminel, aurait demandé que ce criminel lui fût rendu par le motif que les formes légales n'auraient pas été observées lors de l'arrestation ou de l'extradition.

Je n'ai trouvé aucune trace d'un cas semblable et je doute qu'il en existe, car une pareille réclamation serait contraire aux règles qui président à l'indépendance respective des Etats.

En effet, l'Etat auquel un criminel a été livré ne saurait être compétent pour apprécier les formes procédurières de la loi étrangère, et ne saurait surtout soumettre sa propre juridiction criminelle à l'observation des formes légales chez une autre nation.

L'extradition est un acte de Gouvernement à Gouvernement; celui qui a livré un criminel en dehors des formes protectrices de la loi, encourt une responsabilité ou bien la rejette sur ceux de ses agents qui ont violé la loi et même les en punit; mais il n'a aucune réclamation à adresser, à ce propos, au Gouvernement à qui le criminel a été livré, à moins que l'extradition n'ait eu lieu par suite de mensonges ou de manœuvres frauduleuses.

Ce dernier Gouvernement exerce son droit de souveraineté en gardant le criminel qui a enfreint les lois du pays.

D'ailleurs, dès que le criminel est rentré sur le territoire, il n'appartient plus au Gouvernement, mais au pouvoir judiciaire, dont l'action est indépendante du pouvoir exécutif.

Le pouvoir exécutif n'a pas le droit de suspendre le cours de la justice vis-à-vis d'un individu poursuivi; il ne peut que faire grâce après la condamnation, car le droit d'amnistie individuelle avant le jugement est denié au Prince.

En appliquant ces principes à l'affaire Lamirande, que je ne connais que par les récits des journaux, je crois que le Gouvernement Anglais n'est pas en droit de demander la restitution de cet homme.

Le Gouvernement Français la refuserait à coup sûr, car à moins de violer les droits du pouvoir judiciaire il ne peut pas même disposer d'un accusé, qui n'appartient qu'à la justice.

N'ayant vu aucun document officiel, j'ignore les complications que l'affaire Lamirande peut récéler, mais je m'empresse d'informer votre Excellence que Lamirande va prochainement comparaître devant la Cour de Poitiers.

Devant la Cour d'Assises, les défenseurs souleveront probablement des incidents et des difficultés relatifs à l'arrestation et à l'extradition de l'accusé.

Il est de ces incidents que le Gouvernement Anglais pourrait être intéressé à connaître et à faire apprécier.

Ne serait-ce pas le cas de faire assister à l'audience un légiste, chargé de suivre la procédure et d'en examiner les phases et la portée légale? C'est une réflection que j'ai pris la liberté de soumettre à votre Excellence en la priant d'agréer mon respectueux et complet dévoument.

(Signé) TREITE.

(Translation.)

My Lord, *Paris, November* 17, 1866.

AGREEABLY with the desire expressed to me by your Excellency, I have made very careful research in works of reference and writers in order to ascertain if I could find there any mention of a case where a Government, after the surrender of a criminal, had demanded his rendition because the legal formalities had not been observed in the arrest or extradition.

I have found no trace of such a case and I do not think there is one, for such a claim would be contrary to th erules which are observed in regard to the independence of different States.

In fact, the State to which a criminal has been surrendered cannot be competent to appreciate the legal procedure of a foreign code, and assuredly cannot subordinate its own criminal jurisdiction to the observance of legal forms in another country.

Extradition is an act between Governments; that which has surrendered a criminal without regard to the precautionary forms of law incurs a responsibility, or indeed casts it upon those of its agents who have broken the law, and even punishes them for it; but it has no claim whatever to make, on this account, to the Government to whom the criminal has been surrendered, unless the extradition has been brought about by falsehood and fraudulent manœuvres.

This latter Government exercises its rights of sovereignty by retaining the criminal who has infringed the law of the land.

Moreover, as soon as the convict has returned into the territory, he belongs no longer to the Government, but to the judicial power, whose action is independent of the executive.

The executive power has not the right of suspending the course of justice with reference to the individual prosecuted; it can only grant pardon after conviction, for the right of pardoning an individual before trial is denied to the Prince.

Il faut cependant dire que les principes posés par "l'arrêt-Lamirande" (ce nom lui restera) ne sont pas acceptés unanimement dans la jurisprudence et la doctrine des auteurs. Mais la Cour de Cassation va prochainement être appelée à formuler un arrêt-principe sur cette matière si peu éclaircie, puisque Lamirande, dit-on, se pourvoit en Cassation, ainsi que cela a été annoncé.

Ainsi la comparution de Lamirande en justice n'a pas fait avancer la question d'extradition entre les deux Gouvernements Anglais et Français, si ce n'est que le Jury a déclaré Lamirande coupable de faux, conformément aux chefs d'accusation, transcrits dans l'acte d'accusation sous les numéros 3, 4, 5, et 6, et que j'ai reportés manuscrits aux pages 19 et 20 du compte-rendu,* les journaux ne les ayant pas reproduits.

Il faut s'incliner devant le verdict du Jury, quoiqu'il y ait divergence dans les opinions sur la question de savoir si les écritures mensongères que faisait journellement Lamirande constituaient légalement le crime de faux Français, et surtout le crime de faux Anglais, dit *forgery*.

Par la lecture des débats, votre Excellence verra que le Président de la Cour d'Assises a demandé à l'accusé si, quoique le vol et l'abus de confiance ne fussent pas compris dans le Traité d'Extradition de 1843, il consentait à être jugé sur ces deux chefs. L'accusé espérait probablement être acquitté sur le chef de faux, et il a refusé d'être jugé sur les deux autres chefs, et l'accusation n'a plus porté que sur le crime de faux.

Dans mon opinion, la demande de M. le Président avait une portée politique, car, si l'accusé avait consenti à être jugé sur les chefs de vol et d'abus de confiance, il renonçait *ipso facto* à se prévaloir du Traité d'Extradition, ainsi que l'en a averti l'Avocat-Général. Le conflit tombait de lui-même, car le Gouvernement Anglais n'avait plus à s'occuper de la réclamation d'un individu qui avait renoncé à se prévaloir de la loi Britannique.

La déclaration du Juge Drummond n'ayant pas été lue à l'audience n'a pu être publiée par les journaux Français. Cette publication eut pu les exposer à des poursuites pour infidélité dans les comptes-rendus des débats judiciaires; les feuilles étrangères ont publié cette déclaration par extraits. Sur la première feuille du compte rendu† ci-annexé votre Excellence en trouvera une analyse, imprimée dans une feuille Belge.

Agréez, &c.

(Signé) TREITE.

(Translation.)

My Lord, *Paris, December* 10, 1866.

AGREEABLY with the desire expressed by your Excellency, I went to Poitiers to attend the trial of Lamirande, who has been brought back from Canada and given up to the French Government.

These proceedings, it was generally said, would present most interesting discussions in regard to the international right of extradition.

Indeed, the defenders of the accused had prepared quite a system of attacks upon the extradition of Lamirande, both as regards the facts and the law of the case.

They had to show that the circumstances attending this extradition constituted acts of deceit, of fraud, of violence, and of outrages on the English laws. They were above all to argue on the public declaration of Mr. Drummond, Judge of the Court of Queen's Bench, who had, on the 25th of August, 1866, declared the extradition to be illegal; in short, it was to be pleaded that Lamirande had been stolen from the English Government. The expression, moreover, was made use of in Court; your Excellency will find it at page 7‡ of the Report of the proceedings which I have the honour to inclose herewith. Public attention was also much excited, but it has been altogether disappointed.

In fact the Avocat-Général, in virtue of instructions without doubt emanating from the Ministry of Justice, opposed the admission of the motions submitted by the

On applying these principles to the case of Lamirande, which I only know through the newspaper reports, I think that the English Government is not in a position to demand the restoration of this man.

The French Government would most certainly refuse it, for without violating the right of the judicial power, it cannot even dispose of an accused person who belongs to justice alone.

Having seen no official document, I am ignorant of the complications which may lurk in the case of Lamirande, but I hasten to inform your Excellency that Lamirande will shortly appear before the Court of Poitiers.

Before the Court of Assize, the Counsel for the defence will probably bring forward some circumstances and raise some difficulties relative to the arrest and the extradition of the accused.

The English Government might be interested in learning and forming a judgment on these points.

Would it not be advisable to have a lawyer present at the trial, instructed to watch the proceedings and to examine their phases and legal bearing? This is an idea which I have taken the liberty of submitting to your Excellency, begging you to accept, &c.

(Signed) TREITE.

* Page 23. † Page 20. ‡ Page 47.

defenders on the question of extradition. These motions (page 3 of the Report*) are very explicit; the Advocat-Général maintained that the question of extradition could not be discussed before the judicial authority, since the executive authority had declared that the extradition was legal and regular; that extradition is the business of a Prince in his international relations; relations which cannot in any case fall within the cognizance of the judicial authority, &c. &c. The arguments adduced in the discussion of this question in the pleadings are in pages 5 and 6 of the Report.†

In spite of the efforts of the defence, the view upheld by the Advocat-Général has been ratified by a decision of the Court of Assize. This decision appears to me to be well founded in law. His view is, besides, in agreement with the legal opinion which I had the honour to submit to your Excellency on the 17th of November last, respecting the extradition of Lamirande.

It must, however, be said that the principles laid down by the Lamirande decision (by which name it will always be known) are not unanimously accepted in jurisprudence and in the tenets of writers. But the Court of Cassation is about to be called upon to lay down a definite rule on this matter, which is so obscure, since Lamirande, it is said, has appealed to the Court of Cassation, as has been announced.

Thus the appearance of Lamirande in a Court of Justice has not advanced the question of extradition between the English and French Governments, with the exception that the jury has declared Lamirande guilty of forgery agreeably to the heads of accusation transcribed in the indictment in Nos. 3, 4, 5, and 6, and which I have reported in manuscript at pages 19 and 30 of the Report,‡ the newspapers not having reproduced them.

We must bow to the verdict of the jury, although there may be a difference of opinion on the question whether the false statements made by Lamirande legally constituted the French crime of falsification ("faux"), and especially the English crime of falsification called "forgery."

On reading the discussions, your Excellency will see that the President of the Court of Assize asked the accused whether, although theft and abuse of confidence might not be within the scope of the Extradition Treaty of 1843, he would consent to be tried on these two charges. The accused probably hoped for an acquittal on the charge of forgery: he refused to stand his trial on the two other charges, and the prosecution only relied on the crime of forgery.

In my opinion, the question of the President had a political bearing, for if the accused had consented to be tried on the counts of theft and abuse of confidence, he would have renounced *ipso facto* his advantage arising from the Extradition Treaty, as the Advocate-General pointed out. The dispute would naturally have fallen to the ground, for the English Government could no longer have to occupy itself with the reclamation of an individual who had renounced the advantage arising from the British law.

The declaration of Judge Drummond not having been read at the trial, could not be published by the French newspapers. Such a publication might have exposed them to a prosecution for inaccuracy in a report of judicial proceedings. Foreign papers have published extracts from this declaration. On the first page of the Report§ your Excellency will find an analysis of that declaration printed in a Belgian paper.

Accept, &c.

(Signed) TREITE.

Inclosure 2 in No. 23.

Report of the Trial of M. Lamirande.

Analyse de la Déclaration du Juge Drummond, publiée par un Journal Belge.

CE document n'ayant pas été lu à l'audience du procès Lamirande n'a pas été publié par les feuilles Françaises. Celles-ci en l'imprimant, s'exposaient à des poursuites pour infidélité dans les comptes-rendus judiciaires.

"Nous rappellerons ici ce document un peu bizarre du Juge Drummond de Montreal. Ce document précise en effet toute la question relative à l'extradition.

"En France, nous ne saurions, à vrai dire, quel nom donner à ce document qui ne ressemble ni par la forme ni par le fond à l'idée que nous nous faisons d'une sentence juridique. D'abord l'honorable Juge Canadien reconnaît que l'accusé—ou plutôt le

* Page 44. † Page 45. ‡ Page 43. § Page 40.

pétitionnaire, comme il l'appelle dans un langage plein de déférence, ne pouvant être amené devant lui étant en pleine mer, enlevé par une des plus audacieuses et jusqu'à présent heureuses entreprises contre la justice dont on ait jamais entendu parler au Canada, il n'a plus d'ordonnance à rendre.

"Malgré cette déclaration quelque peu candide, l'honorable Juge Drummond se livre à une très-longue dissertation qui tient plus du plaidoyer ou de la polémique que de l'austérité d'un document juridique.

"Ce qui ressort de ce plaidoyer c'est l'opinion un peu irritée du Juge soutenant que l'extradition n'aurait pas été accordée par lui, si la cause fût restée entière, et cela par plusieurs motifs qu'il énonce fort compendieusement, à savoir: 1. Que le Consul-Général de France à Montréal n'avait pas qualité pour requérir l'extradition, n'étant pas agent diplomatique accrédité, comme l'exige le Traité de 1843; 2. Parce qu'on ne justifie pas un acte authentique de la mise en accusation de l'accusé; qu'au lieu du titre original et régulier on ne produit que la copie traduite dudit document et faite par un inconnu (on sait qu'à New York l'arrêt de renvoi fut détourné du dossier par l'un des avocats de Lamirande, auquel ce document avait dû être communiqué); 3, Parce que le fait imputé à l'accusé Lamirande ne contient pas l'imputation d'un des actes qualifiés crimes par les lois Anglaises et devant, aux termes du Traité, autoriser l'extradition.

En effet, en Angleterre, le crime de faux n'est, en réalité, que dans la fabrication infidèle d'un document destiné à être ce qu'il n'est pas; ce n'est pas la fabrication d'un document destiné à être ce qu'il est. En termes autres et plus clairs, un mensonge par écrit n'est pas un faux.

"Puis le Juge Drummond rappelle qu'il a donné l'ordre d'amener devant lui le pétitionnaire (Lamirande), et il ajoute :—

"'La réponse du geôlier à mon ordonnance d'habeas corpus fut qu'il avait remis le prisonnier à Edme-Justin Melin, Inspecteur de Police à Paris, dans la nuit du 24 courant, à minuit, en vertu d'un ordre signé par le Député Sheriff sur un documeut signé par M. le Gouverneur Général.

"'Il paraît, dit-il encore, que le pétitionnaire ainsi livré à un agent de police Français, est maintenant en route pour la France, quoique son extradition fût illégalement demandée, quoiqu'il ne fût accusé d'aucun des crimes pour lesquels il eût pu être légalement livré et malgré que je fusse informé d'une manière certaine que son Excellence le Gouverneur-Général avait promis—comme il y était tenu par honneur et par justice—de donner au pétitionnaire une occasion de faire juger de sa pétition par le premier tribunal du pays avant d'ordonner son extradition.'

"D'après ces imputations dirigées par un Magistrat contre le Gouverneur du pays, on peut s'expliquer la violence des polémiques dans lesquelles la presse Américaine s'est engagée. Il est vrai que le Magistrat Canadien ajoute que s'il y a une fausse date dans l'arrêt du Gouverneur du Canada, il voit là la preuve que la religion du Gouverneur a été surprise."

Compte-Rendu du Procès Lamirande, tiré de la "Gazette des Tribunaux," et du Journal "Le Droit."

JUSTICE CRIMINELLE.—COUR D'ASSISES DE LA VIENNE.

(Rédaction particulière de la "Gazette des Tribunaux.")

Présidence de M. AUBUGEOIS DE LA VILLE DU BOST, Conseiller à la Cour Impériale de Poitiers.

Audience du 3 Décembre.

Affaire Lamirande.—Soustraction Frauduleuse.—Détournement de 704,000 francs de Caisse de la Succursale de la Banque de France à Poitiers.—Faux en Ecriture de Banque.

LE nom de Lamirande a, depuis quelques mois, acquis une telle notoriété qu'il suffit de le rappeler pour remettre en mémoire tous les faits qui s'y rattachent. Caissier à la succursale de la Banque de France de Poitiers, il disparaît, laissant dans sa caisse un déficit considérable; il fuit, il traverse les mers; il se réfugie d'abord en Angleterre, puis en Amérique. Des agents Français le suivent à la piste, le font arrêter, mais avant qu'il leur soit livré, des conflits s'élèvent entre les diverses autorités d'Amérique, d'Angleterre, et de France sur la question d'extradition, et ce n'est que récemment qu'ils ont été vidés et que Lamirande a été rendu à la justice de son pays. Tel est le sommaire, bien abrégé,

des longs préliminaires de cette grave affaire, mais qui, ce nous semble, doit suffire, au moment où les débats s'engagent, pour la signaler à l'attention publique.

Une foule considérable se presse aux abords du Palais de Justice, dans l'espoir d'assister à ces graves débats. Il ne pouvait en être autrement dans la ville où l'accusé a été si longtemps connu, et où, en même temps qu'il avait conquis une position toute de confiance, il avait su gagner l'estime d'un grand nombre de ses habitants.

Le siége du Ministère Public est occupé par M. Gast, premier avocat général. M. le Procureur-Général Damay assiste à l'audience.

Me. Lachaud est chargé de la défense de Lamirande, qui a aussi pour avocat Me. Lepetit, ancien bâtonnier du barreau de Poitiers.

Au moment où l'accusé est introduit dans le salle d'audience, un vif mouvement de curiosité se manifeste dans toutes les parties de l'auditoire ; toutes les têtes se dressent, tous les regards le cherchent, et un long temps s'écoule avant que soit calmé ce premier élan de la curiosité publique.

Lamirande, dont la tournure et les manières annoncent un homme distingué, est de taille moyenne ; il a les cheveux bruns, le front haut, le teint pâle ; ses traits réguliers annoncent la finesse et la vivacité. Ceux des habitants de Poitiers qui l'ont connu, disent avoir de la peine à le reconnaître, tant ils le trouvent changé et amaigri ; cependant il n'est pas abattu et il semble n'avoir rien perdu de son énergie.

Après que le jury a pris siége et que l'identité de l'accusé a été constatée, lecture est donnée, par le greffier de la Cour, de l'arrêt de renvoi et de l'acte d'accusation ; ce dernier document est ainsi conçu :—

" Le lundi, 12 Mars 1866, M. Bailly, Directeur de la Succursale de la Banque de France à Poitiers, prévint Lamirande, caissier du même établissement, qu'un million en or devait être immédiatement expédié à la succursale d'Angoulême, et que le lendemain, Mardi, 500,000 francs en espèces d'argent devaient être envoyés à la même destination. Lamirande fit, dans la journée, les préparatifs nécessaires pour l'envoi d'un million en or. Le soir, il quitta furtivement son poste, monta en chemin de fer, et gagna ensuite la frontière. Avant de partir, il avait laissé une lettre à l'adresse de M. le Directeur Bailly, dans laquelle il annonçait qu'il était obligé d'aller à Châtellerault inopinément, qu'il laissait ses clefs au Sieur Queyrieux, Chef de Comptabilité, et qu'il serait de retour assez tôt pour faire la caisse. En même temps, il avait écrit au Sieur Queyrieux, qu'étant forcé de partir pour Châtellerault, il le priat de tenir la caisse le lendemain et de faire opérer l'envoi d'argent par les garçons de la Banque ; il ajoutait qu'il arriverait à temps pour faire la situation. Ce billet fut remis par un commissionnaire au Sieur Queyrieux, avec les clefs qui ouvraient les compartiments inférieurs de la caisse courante.

" Le départ subit de Lamirande ne put pas paraître tout d'abord suspect, puisqu'il avait eu la précaution d'annoncer mensongèrement, à diverses personnes, que son neveu était très malade à Châtellerault, et que l'état de cet enfant lui inspirait les plus vives inquiétudes.

" Le 13 Mars, les employés de la banque procédèrent à l'enlèvement des 500,000 francs qu'il fallait expédier à Angoulême. Les sacoches étaient prêtes ; on les remplit au nombre de cinquante, en retirant de la cave 500 sacs de 1,000 francs, et les cinquante sacoches, qui devaient peser chacune 50 kilogrammes, furent placées sur un camion, accompagné d'un employé et d'un garçon, et transportées au Bureau des Messageries. Là, elles furent pesées, et aussitôt, on constata que le plupart d'entre elles avaient un poids inférieur indiquant un déficit d'environ 2,000 francs par sacoche. M. le Directeur en fut informé ; il fit rentrer sur-le-champ l'expédition à la banque, ouvrit les sacoches, en tira les sacs et les compta. On en trouva 310 auxquels il manquait uniformément 200 francs, à une pièce de cinq francs près.

" L'un des censeurs, M. Grétry, et l'un des administrateurs, M. Pavie, furent avertis ; ils descendirent dans la cave d'où avaient été extraits les sacs altérés, et ils reconnurent que la même altération existait sur un grand nombre d'autres sacs d'argent. Ils reconnurent, en outre, que plusieurs sacs, qui devaient contenir chacun 10,000 francs en pièces d'or de 20 francs, ne contenaient, sous le même volume, que des pièces de 2 francs, et de 50 centimes. Enfin, par la vérification qui fut opérée le 13 Mars et les jours suivants, on constata que les sommes soustraites dans la cave s'élevaient au chiffre de 219,000 francs.

" Cependant, Lamirande n'avait pas fait remettre au Sieur Queyrieux la clef qui ouvrait le compartiment supérieur de la caisse courante ; or, ce compartiment devait contenir une somme très considérable, soit en billets, soit en or. Un ouvrier, mandé de Paris, arriva le lendemain avec un inspecteur de la Banque, et pratiqua l'ouverture du compartiment. Tous les billets de 1,000 francs avaient disparu ; il ne restait que 400 billets de 100 francs, dont la liasse avait paru sans doute trop volumineuse pour

être enlevée. On constata, de plus, l'existence de deux sacs paraissant remplis de pièces d'or, et étiquetés 20,000 francs; mais on ne tarda pas à s'apercevoir que les rouleaux de pièces d'or avaient été remplacées, dans le fond des sacs, par des cartouches de pièces de 2 francs et de 50 centimes, enveloppées d'abord de papier blanc et ensuite de papier bleu, de manière à avoir un poids parfaitement égal, à un centigramme près, à celui d'une somme de 20,000 francs en monnaie d'or. Une vérification exacte et minutieuse démontra que les détournements opérés dans la caisse s'élevaient à la somme de 485,000 francs.

"Ainsi donc, soit dans la cave, soit dans la caisse, en espèces métalliques ou billets, une somme totale de 704,000 francs avait été soustraite au préjudice de la banque.

"Devant ces constatations, aucun doute n'était possible; la fuite du caissier était la preuve de sa culpabilité.

"Il était d'ailleurs manifeste que le caissier seul avait pu commettre cette immense spoliation. D'une part, Lamirande avait exclusivement la gestion de la caisse courante, qui avait été vidée dans la journée du 12 Mars; d'autre part, lui seul avait pu opérer, soit l'altération d'un grand nombre de sacs d'argent, soit l'enlèvement des sacs d'or. Il lui était facile de les soustraire dans la cave, où il présidait aux dépôts et aux envois de fonds, pendant qu'il s'y trouvait seul, en profitant de l'absence du directeur et des employés chargés du transport des sacs.

"La fuite de Lamirande fut tout à coup précipitée par l'ordre imprévu d'expédier 500,000 francs à Angoulême, car il devint évident pour lui que l'envoi d'une somme aussi forte, entamant les réserves en espèces d'argent déposées dans la cave, devait nécessairement comprendre les sacs altérés et amener la découverte de la fraude.

"Lamirande n'a pas à répondre seulement devant la justice des soustractions énormes dont il s'est rendu coupable. Ses fonctions de caissier l'obligeaient à remettre chaque jour à la direction un bordereau de situation dans lequel il certifiait l'état des diverses caisses de la Banque, en indiquant, par nature de valeurs, les sommes ou les effets qui s'y trouvaient déposés. Il a commis une série quotidienne de faux, en énonçant chaque jour dans le bordereau une situation qui avait cessé d'être exacte par suite de ses propres détournements. Le jour même de son départ, il remettait encore à son directeur un bordereau de situation certifié et signé par lui, dans lequel il attestait mensongèrement, que la totalité de l'encaisse s'élevait à la somme de 11,443,000 francs, tandis qu'en réalité, par les soustractions qu'il avait accomplies, cet encaisse était diminué de 704,000 francs dont il s'était emparé.

"Lamirande a commis aussi des faux en écriture de banque et il a fait usage, sciemment, de pièces fausses en remettant des bordereaux de situation qui dissimulaient les soustractions frauduleuses et les détournements dont il s'était rendu coupable.

"En conséquence Lamirande est accusé :—

"1. D'avoir depuis moins de dix ans à Poitiers, soustrait frauduleusement diverses sommes en espèces d'or ou d'argent dans la serre ou cave de la succursale de la Banque de France, et au préjudice de cet établissement. D'avoir commis ces soustractions frauduleuses, avec cette circonstance qu'il était alors caissier salarié ou homme de services à gages de la dite Banque de France.

"2. D'avoir à Poitiers, depuis moins de dix ans, et notamment le 12 Mars, 1866, détourné ou dissipé au préjudice de la Banque de France qui en était propriétaire des fonds et billets placés dans la caisse courante ou de service de la succursale de Poitiers, qui ne lui avaient été remis et confiés qu'à titre de dépôt ou de mandat, à la charge de les rendre ou de les représenter ou d'en faire un usage ou un emploi déterminé. D'avoir commis les détournements ci-dessus spécifiés avec cette circonstance qu'il était alors caissier, ou commis salarié de la dite Banque de France.

"3. D'avoir à Poitiers, le 12 Mars, 1866, sur le bordereau de situation signé par lui, qu'il était chargé de dresser et de certifier chaque jour en sa qualité de caissier de la succursale de la Banque de France, pour constater l'encaisse de la dite succursale, frauduleusement inséré la fausse déclaration, que l'encaisse était le dit jour, de 11,443,556 francs 84 centimes, tandis qu'il était en réalité inférieur à ce chiffre de toutes les sommes par lui soustraites ou détournées et d'avoir ainsi frauduleusement altéré les déclarations et les faits que ce bordereau de situation avait pour objet de recevoir et de constater.

"4. D'avoir le même jour, au même lieu, fait usage de cette pièce fausse, sachant qu'elle était fausse, en la remettant au Directeur de la Succursale de la Banque de France à Poitiers, pour établir la situation de la caisse de cet établissement au 12 Mars, 1866.

"5. D'avoir à Poitiers, depuis moins de dix ans et antérieurement au 12 Mars, 1866, dans divers bordereaux de situation signés par lui qu'il était chargé de dresser et de

certifier chaque jour en sa qualité de Caissier de la Succursale de la Banque de France, pour constater l'encaisse de la dite succursale, frauduleusement inséré la fausse déclaration que l'encaisse s'élevait à une somme supérieure à celle qui existait en réalité, laquelle était inférieure au chiffre indiqué, et de toutes les sommes par lui soustraites ou détournées, et d'avoir ainsi frauduleusement altéré les déclarations et les faits que ce bordereau de situation avait pour objet de recevoir et de constater.

"6. D'avoir aux mêmes époques et au même lieu fait usage de ces pièces fausses, sachant qu'elles étaient fausses, en les remettant au Directeur de la Succursale de la Banque de France à Poitiers, pour établir la situation de la caisse de cet établissement aux jours indiqués.

"Fait au parquet de la Cour Impériale de Poitiers, le 23 Septembre, 1866.

"L'Avocat-Général,

(Signé) "CAMOIN DE VENCE."

Pendant la lecture de l'acte d'accusation, que l'auditoire a écouté dans le plus religieux silence, l'accusé a paru profondément ému; presque constamment il a tenu la tête baissée, appuyée sur une main, passant fréquemment son mouchoir sur son front et sur ses yeux.

Nous devons mentionner qu'au moment du tirage du jury, Me. Lachaud, au nom de Lamirande, a demandé acte de ce que sa présence et celle de l'accusé à ce tirage ne devait préjudicier en rien aux conclusions exceptionnelles qu'il lui plairait poser avant d'engager le débat au fond. Acte a été donné de cette réserve, et M. le Président a ordonné que mention en serait faite au plumitif de l'audience.

M. le Président rappelle à l'accusé les divers chefs d'accusation relevés contre lui, au nombre de six soustractions frauduleuses et faux.

L'accusé ne fait aucune observation.

Me. Bourbeau, avocat, se présente, assisté de Me. Pinchot, avoué, qui donne lecture de conclusions tendantes à ce que la Banque de France soit admise à intervenir comme partie civile et à ce qu'il lui soit donné acte de ses réserves de conclure, dans le cours des débats, à tels dommages-intérêts, qu'il lui plaira fixer.

M. le Président.—La parole est à M. le Premier Avocat-Général.

Me. Lachaud.—Pardon, M. le Président, je demande la parole pour poser les conclusions suivantes:—

Attendu qu'il est de principe que les Cours d'assises sont compétentes pour apprécier si l'extradition des accusés a été régulière, ou si, au contraire, elle n'a pas été le résultat de la fraude ou de la violence; que ce principe a été reconnu par la Cour de Cassation, notamment dans son arrêt du 9 Mai, 1845;

En fait:

Attendu que Lamirande, caissier de la succursale de la Banque de France à Poitiers, renvoyé par arrêt de la chambre des mises en accusation devant la Cour d'Assises de la Vienne, sous diverses inculpations, s'était réfugié au Canada (possession Anglaise);

Qu'une demande d'extradition avait été formée contre lui, en vertu du Traité passé entre la France et la Grande Bretagne, à la date des 18-21 Mars, 1843;

Que ce Traité, qui indique les formes nécessaires à observer dans les deux pays pour arriver à l'extradition, porte textuellement, Article Ier, § 2, en ce qui concerne la Grande Bretagne:

"En conséquence, l'extradition ne sera effectuée, de la part du Gouvernement Britannique, que sur le rapport d'un juge ou magistrat commis à l'effet d'entendre le fugitif sur les faits mis à sa charge par le mandat d'arrêt ou autre acte judiciare également émané d'un juge ou magistrat compétent en France et énonçant également d'une manière précise les faits."

Attendu qu'il résulte que pour que l'extradition soit accordée par le Gouvernement Anglais, il faut, avant tout, que le juge compétent en ait déclaré la légalité, que ce n'est donc pas seulement une décision administrative, mais aussi une décision judiciare;

Attendu que Lamirande ayant été traduit d'abord devant le juge de paix Bréhaut, celui-ci avait rendu une sentence permettant l'extradition, mais que presque aussitôt cette décision fut attaquée devant le juge supérieur du Banc de la Reine, M. Drummond, et que, dès lors, elle se trouvait frappée d'un véritable appel;

Attendu que le juge Drummond a donné audience le 24 Août, 1866, que toutes les parties y ont comparu par leurs représentants respectifs, que la demande d'extradition y a été soutenue, contredite et discutée;

Qu'en cet état, après une longue audience, et alors que le débat avait été accepté par tous, le juge Drummond, au moment de rendre son jugement, dut, sur la demande de

M. Pomainville, avocat de la Banque de France, lequel voulait présenter de nouvelles observations, renvoyer, vu l'heure avancée (7 heures du soir), au lendemain 25, pour reprendre l'audience et prononcer sa sentence ;

Attendu que, dans la soirée du 24 Août, avant la décision du juge, qui seul avait qualité pour statuer définitivement, des agents de police vinrent violemment arracher Lamirande de sa prison, qu'il fut conduit en France, et remis, malgré ses protestations, à la police Française ;

Attendu que tous ces faits ne sauraient être contestés, qu'ils sont prouvés par le jugement qu'a rendu M. Drummond le 28 Août, 1866 ;

Qu'il résulte encore de cette décision que M. Drummond a déclaré n'y avoir lieu à extradition, par plusieurs motifs consignés dans son jugement, et tirés, soit de la forme de la demande, soit du fond, en ce que les faits précisés ne constituaient pas l'un des crimes pour lesquelles l'extradition peut être accordée ;

Attendu qu'en l'état, la Cour d'Assises est appelée à apprécier si l'extradition de Lamirande peut être déclarée légale ;

Qu'il est évident qu'elle ne saurait l'être, alors que le juge régulièrement saisi par toutes les parties, et qui devait en connaître définitivement, a prononcé qu'il n'y avait pas lieu de l'accorder ;

Qu'un acte de violence, dont il est impossible que l'Angleterre ne demande pas compte à ses agents ne saurait prévaloir contre une décision judiciaire et placer la force et la subornation au-dessus du droit ;

Que quelles que soient les fautes et le crime dont est accusé Lamirande, ce ne peut être un motif pour violer, en sa personne, les règles les plus ordinaires du droit ; que les Traités internationaux d'extradition n'ont pas pour but de profiter aux accusés, mais surtout de répondre aux intérêts les plus élevés des rapports et de la liberté des nations entre elles ;

Attendu qu'on objecterait vainement que Lamirande a été livré aux agents Français en vertu d'un ordre signé le 23 Août, 1866, par le Gouverneur de Canada ; qu'il résulte de la sentence de M. Drummond que la date portée dans cet ordre n'est pas réelle, qu'elle a été donnée postérieurement au 23 Août, que la signature du Gouverneur n'a pu être obtenue que par surprise ;

Attendu, au surplus, que les termes mêmes du Traité de 1843 ne permettent pas au Gouverneur-Général de livrer un accusé par suite d'extradition avant que la décision judiciaire ait été prononcée par le juge compétent ; que le 24 Août M. le juge Drummond avait été saisi ; que le Gouvernement Anglais, représenté par M. Ramsay, avocat de la Couronne, la Banque de France, représentée par M. Pomainville, avocat, Lamirande lui-même représenté par M. Doutre, avocat, avaient été entendus et avaient débattu devant ce magistrat la question légale de l'extradition ;

Que, dès lors, jusqu'après la décision du Juge Drummond il était impossible de disposer de Lamirande sans violer à la fois la loi et la justice ;

Par ces motifs et autres qu'il plaira à la Cour suppléer, prononcer la nullité de l'extradition.

Et, très-subsidiairement, attendu que si, par impossibilité, la Cour se déclarait incompétente pour prononcer la nullité de l'extradition, en raison du caractère diplomatique de cet acte, elle ne saurait méconnaître que les circonstances au milieu desquelles l'extradition s'est produite peuvent être de nature à entraîner sa nullité ; qu'il y aurait, dès lors, à la soumettre à l'examen attentif des deux Gouvernements de la France et de la Grande Bretagne, et, en ce cas, d'accorder un sursis jusqu'à ce qu'il ait été statué par qu'il appartiendra, sous toutes réserves.

Après la lecture de ces conclusions, M. l'Avocat-Général Gast demande immédiatement la parole pour les combattre :—

Messieurs, dit-il, nous avons à opposer à ces conclusions des conclusions préjudicielles ; nous venons demander à la Cour de ne point en autoriser le développement. Ces conclusions ne sont point une surprise pour nous. Dès son premier interrogatoire, l'accusé prétendit que l'on ne pouvait pas le juger en France.

L'honorable défenseur nous avait fait connaître ces conclusions, qui ressemblent à une plaidoirie et tendant à ce que la Cour se déclare compétente pour appécier l'extradition et subsidiairement prononcer un sursis.

Pour discuter la compétence de la Cour à cet égard, nous examinerons les règles applicables à l'extradition, les pouvoirs de l'autorite judiciaire, les droits de l'extradé et les priviléges du Gouvernement Français.

Les lois pénales sont exclusivement territoriales ; ce principe est incontestable ; au-delà des frontières de chaque Etat les lois pénales sont paralysées et c'est derrière ce principe que s'abritent les malfaiteurs fugitifs ; en conséquence, ces malfaiteurs ne

sauraient critiquer la puissance des mesures qu'on leur a appliquées, en dehors de notre territoire.

Comment les Magistrats Français jugeraient-ils de la légalité de ces actes? Ils ne le pourraient ni au point de vue de la loi Française, ni en appréciant la loi étrangère.

Il y a encore un motif plus saisissant qui repousse la compétence: les mesures prises par l'étranger l'ont été sur la demande du Gouvernement Français, et d'ailleurs, les actes coupables commis à l'étranger sont complétement indifférents, et ils échappent entièrement à notre appréciation.

Lamirande a si bien connu l'acte d'accusation sur lequel était fondée l'ordonnance de prise de corps, que son Avocat Américain a été accusé d'avoir volé cette pièce, et cet ordonnance lui a été signifiée sans protestation de sa part.

M. l'Avocat-Général demande à quel texte de loi on pourrait avoir recours pour appuyer cette prétention de faire reconduire Lamirande à la frontière.

Maintenant, nous avons à nous demander quels sont les droits de l'extradé; a-t-il le droit de dire que l'on a violé en sa personne les Conventions conclues entre la France et l'Angleterre? Les conclusions le prétendent, mais est-ce que l'extradé a été partie dans ces Conventions; l'un ou l'autre des Gouvernements peut seul revendiquer ces droits. Pour l'extradé, il redevient depuis sa rentrée sur le territoire, un simple accusé qui doit être jugé.

M. l'Avocat-Général cite à l'appui Dalloz ("Traité International," page 184); un Arrêt de Cassation, 1852 (Morin, page 502).

Mais si les actes commis à l'étranger sont indifférents pour la justice Française, il n'en est pas de même pour le Gouvernement étranger. S'il y a eu fraude, violation de territoire, dans l'extradition, il peut en résulter même un *casus belli*.

Supposons qu'un Gouvernement étranger ait à se plaindre d'un pareil grief; à qui s'adressera-t-il pour le redresser? A une Cour d'Assises? Poser cette question, c'est la résoudre. C'est directement que le Gouvernement étranger viendra demander réparation au Gouvernement Français, et remarquez que c'est là le seul plaignant qui puisse être accepté par l'intermédiaire de ses Agents Diplomatiques, l'extradition n'ayant aucune espèce de droit.

Vous dites que le Traité a été violé; mais, pour cela, il vous faut interpréter le Traité; les Tribunaux le peuvent-ils?

Voici ce que je lis dans Dalloz, "Traité International," No. 152:—"L'interprétation des Traités Diplomatiques est en dehors de la compétence des Tribunaux soit judiciaires soit administratifs," &c.

Nous avons à nous demander maintenant ce que fera le Gouvernement Français saisi d'une réclamation de cette nature. S'il trouve les griefs fondés, il viendra devant la justice et dira par l'organe de son Excellence le garde des sceaux:—"Cet homme, je l'enlève à votre juridiction en vertu du droit des gens, supérieur aux droits des particuliers."

En effet, l'Empereur ayant le droit de former des Traités avec les nations étrangères, a le droit de faire tout ce qui est nécessaire pour l'exécution de ces Traités.

Il y a plus, lorsque le Gouvernement Français a obtenu une extradition, il peut encore venir dire au jury: Vous ne jugerez cet accusé que sur les faits de faux, parce que c'est sur ces faits seulement que j'ai obtenu l'extradition.

Devant cette intervention seulement la justice s'abstiendra.

Mais si, au lieu de tenir ce langage, le Gouvernement garde le silence, si ces griefs ne lui paraissent pas fondés, la justice suivra son Cours, ne connaissant que les règles légales du droit positif. Les conséquences possibles ne regardent en rien la justice. Nous mettons cette opinion peut-être un peu hasardeuse, sous l'égide de la doctrine et de la jurisprudence.

Il s'agissait d'un individu poursuivi pour faux et détournement de mineure (1845). Il fut extradé de Toscane seulement pour crime de faux. La Cour de Besançon apprécia qu'il n'y avait pas crime de faux, mais au contraire des présomptions très graves d'enlèvement de mineure. La Cour dit que cet individu ne serait mis sous prise de corps que pour enlèvement de mineure seulement et qu'il ne serait jugé que par contumace. Le Procureur-Général se pourvut contre cet arrêt, que la Cour de Cassation blâma dans les termes que vouz allez voir.

(Arrêt, Cassation 1845.)

M. l'Avocat-Général donne lecture de cet arrêt et des observations de Dalloz:—"La mise en jugement peut être une violation du Traité, mais la justice fait son devoir; ce sont là des questions à débattre de Gouvernement à Gouvernement."

Cette doctrine, peut-être un peu trop absolue, est combattue par deux décisions dont je vais vous donner lecture ; il en résulte que si une extradition a été faite sans qu'aucun des deux Gouvernements y ait coopéré, la justice aurait le droit de demander au Gouvernement s'il avoue cette mesure, s'il la tient pour régulière ; voila, Messieurs, la seule réserve à faire. Voilà selon nous quelle est la doctrine qui se dégage des deux seules décisions que l'on puisse nous opposer, vous allez en juger :—

M. l'Avocat-Général donne lecture du procès de l'affaire Dermenon (Dalloz, "Traité International," page 597.)

Ne voyez-vous pas dans ces faits la confirmation de la doctrine que nous vous exposions tout à l'heure. Il est certain que, dans cette extradition, le Gouvernement était resté complètement étranger, et c'est pour cela que la justice interpelle le Gouvernement et lui demande s'il avoue la mesure prise.

M. l'Avocat-Général cite un arrêt de la Cour d'Assizes de l'Ariége du 17 Février, 1845. (Affaire Laugé.)

Me. Lachaud.—C'est l'arrêt que j'invoque dans mes conclusions ; il est du 9 Mai, 1845.

M. l'Avocat-Général après avoir donné lecture de cet arrêt en tire les mêmes conséquences que du précédent document. Le Sieur Laugé, ex-desservant, poursuivi pour tentative de viol, s'était réfugié dans le Val d'Andorre ; il avait été arrêté par un juge de paix Français, avec l'autorisation du Syndic de la République d'Andorre. La Cour Royale ordonna un sursis pour savoir si cette arrestation était avouée par le Gouvernement qui n'y avait pris aucune part. La Cour de Cassation appréciant les droits de Suzeraineté de la France sur le petit territoire neutre d'Andorre, jugea que l'arrestation était légale.

Ce point établi, si, au lieu de garder l'inaction, le Gouvernement vient vous dire, c'est moi qui ai obtenu cette extradition et qui en assume la responsabilité, la justice doit suivre son cours et n'a pas à demander si les actes de l'extradition ont été conformes aux Traités, et elle ne peut même admettre aucun débat sur ce terrain, qui n'est pas le sien.

Nous n'avons reçu aucun mandat pour suivre la défense sur ces faits nombreux qu'elle nous a énumérés, à notre grande surprise, et auxquels nous ne serions sans doute pas embarrassés de répondre, si telle était notre mission ; mais il y a pour nous quelque chose qui dépasse tout, c'est une prérogative gouvernementale à laquelle nous n'avons rien à voir.

M. le premier Avocat-Général donne lecture de plusieurs documents officiels établissant que le Gouvernement Français a pris une part active et directe à l'instance en extradition contre Lamirande, et entre autres, d'une lettre de son Excellence le Garde des Sceaux.

Dans cette lettre, dit M. l'Avocat-Général, la partie des faits est purement gracieuse pour la justice ; mais ce qu'il faut considérer surtout c'est l'acte gouvernemental revendiquant pour le Gouvernement Français la responsabilité de la mesure d'extradition vis-à-vis des Gouvernements étrangers.

Nous aurions fini si, à raison de cette lettre, nous ne devions vous faire remarquer que M. le Garde des Sceaux déclarait que Lamirande ne devait être jugé que sur le fait de faux seulement, à moins qu'il n'acceptât, de sa pleine volonté, la décision du jury sur les faits d'abus de confiance et de vol.

Ceci semblerait nous mettre en contradiction avec nous-mêmes, qui avons soutenu que l'extradé ne pouvait avoir aucun droit à invoquer. C'est là une formule de respect pour le Gouvernment étranger qui n'a admis extradition que sur ce chef de faux ; mais le consentement de l'accusé peut éteindre cette prohibition fondée sur le respect des droits internationaux.

M. l'Avocat-Général cite les arrêts de 1851 (arrêt Virmaître), 1852 (arrêt Darreau), et 1865 (arrêt . . .), arrêts qui décident que les actes d'extradition échappent à tout contrôle de l'autorité judiciaire.

Les conclusions sont donc non-recevables, et il y a lieu de la part de la Cour de prononcer son incompétence et d'ordonner qu'elles ne sont pas développées.

M. le Président : Me. Lachaud, vous avez la parole.

Me. Lachaud : Messieurs de la Cour, les conclusions que j'ai prises ne sont pas l'œuvre de Lamirande, elles sont l'œuvre de ses conseils. Ses conseils ont décidé de vous les soumettre parce qu'ils ont pensé que l'homme qu'on poursuit peut être indigne, que son crime peut être odieux, mais que derrière lui, il y a la loi. Or, quand la loi est scandaleusement violée, j'ai le droit de me plaindre et je me plains. L'homme que je viens ici défendre a été volé à l'Angleterre.

M. le Président : Me. Lachaud, je ne puis laisser passer ce mot ; vous ne plaidez pas

pour le jury, vous plaidez pour la Cour, et sur la compétence seulement. Veuillez vous le rappeler.

Me. Lachaud: Je ne l'ai pas oublié, M. le Président. Je disais que cet homme a été volé à l'Angleterre, parce que j'ai là une pièce qui le prouve, une sentence d'un juge Anglais, que je ne lirai pas, par déférence pour la Cour, mais qui n'en existe pas moins et qui, pour moi comme pour tous, quand elle sera connue, prouve ce que j'ai avancé; je n'en dis pas plus sur ce point, et je m'empresse de répondre à M. l'Avocat Général.

Le défenseur donne lecture de divers arrêts de cassation, qui, réfutant ceux indiqués par M. l'Avocat Général, posent en principe, dit-il, que l'accusé a toujours le droit de poser des exceptions devant la Cour d'Assises. Ces arrêts, ajoute le défenseur, sont corroborés par l'opinion de M. Faustin Hélie, qui pense que les exceptions peuvent porter soit sur la légalité de l'acte d'extradition, soit sur les conditions restrictives du Traité qui lie les deux Gouvernements.

M. Faustin Hélie soutient qu'en cette matière, la Cour d'Assises a un pouvoir discrétionnaire; il accepte complétement mon droit de réclamation. Seulement, comme il prévoit qu'il peut y avoir lieu à certain débats diplomatiques, il dit qu'en certains cas il peut y avoir lieu à accorder un sursis. Enfin, comme M. Faustin Hélie ne touche jamais à une matière sans l'épuiser: il ajoute que, tout en accordant le droit de réclamation, il faut que l'exception soit sérieuse et de nature à suspendre le jugement du fond.

Je crains qu'on ne voie dans Lamirande que le criminel, qu'un homme qui inspire peu de sympathie. Que fait ici le personnage? oubliez l'homme; au lieu d'un crime de cupidité, que demain vous ayez à juger un crime de passion, et la thèse de M. l'Avocat Général n'a plus d'appui; que serait-ce donc s'il s'agissait d'un procès politique?

Je ne veux pas insister davantage; mais, ne l'oubliez pas, messieurs: dans cette affaire, tout est grave; un peuple voisin, un grand peuple pèse en ce moment nos paroles; il faut qu'il les trouve à la hauteur des respects dont il a l'habitude d'entourer ces deux grandes bases de la société, la liberté de tous et la loi pour tous. Je persiste dans mes conclusions.

Me. Bourbeau, avocat de la partie civile, déclare s'associer au ministère public et repousse les conclusions au point de vue de l'annulation de l'extradition et au point de vue du sursis.

Me. Lepetit, l'un des défenseurs de l'accusé, réplique, et dans une argumentation vive et pressée, appuyée de l'opinion de MM. Dalloz et Faustin Hélie, et de la doctrine de l'arrêt de la Cour de Cassation de 1845, soutient que la Cour d'Assises est compétente pour connaître de l'exception de la nullité de l'extradition, non pas en ce sens que la justice aurait le droit de critiquer les actes diplomatiques, mais en ce sens qu'elle peut examiner si les formes édictées par les conventions internationales ont été observée, en d'autres termes, s'il y a eu fraude à la loi.

La Cour se retire dans la chambre du conseil pour délibérer sur l'incident.

A trois heures et demie, l'audience est reprise.

M. le Président prononce l'arrêt, ainsi conçu:—

"Attendu que par un arrêt de la Cour impériale de Poitiers, chambre des mises en accusation, en date du 29 Mai 1866, le Sieur Surreau, dit Lamirande, a été renvoyé devant la Cour d'Assises de la Vienne, sous la triple accusation de vols qualifiés, abus de confiance qualifiés, et faux en écriture de commerce ou de banque;

"Attendu, qu'en conséquence dudit arrêt, il a été rédigé par le procureur général un acte d'accusation en date du 23 Septembre 1866;

"Attendu que ces deux pièces ont été signifiées à l'accusé par exploit du 24 Septembre, et que le 24 du même mois le dit accusé a été interrogé par le Président des Assises, conformément aux Articles 293, 294, 295 et 296 du Code d'instruction criminelle;

"Attendu, dès lors, que l'affaire se trouve en l'état et qu'elle a été régulièrement portée au rôle de la présente session;

"Attendu, néanmoins, que, par des conclusions posées à l'audience, les défenseurs de Lamirande ont demandé à la Cour de prononcer la nullité de l'extradition dont l'accusé a été l'objet, et, très-subsidiairement de surseoir au jugement de la cause jusqu'à ce qu'il ait été statué par qui il appartiendra sur la validité de cette extradition;

"Attendu, en fait, qu'il résulte des documents de la cause et, notamment de la dépêche ministérielle du 25 Novembre 1866, que, sur la demande du Gouvernement Français, Lamirande, placé dans les liens d'un arrêt de mise en accusation, comprenant des faits de faux en écriture de commerce ou de banque, a été remis par le Gouvernement du Canada, où il s'était réfugié, à la disposition de l'autorité Française;

"Attendu que, à la suite de cet acte d'extradition, le Gouvernement Impérial a lui-même remis cet accusé entre les mains de la justice, pour qu'il eût à répondre devant la juridiction compétente des crimes de faux en écritures de commerce ou de banque qui ont motivé son extradition;

" Attendu, en droit, que les Traités d'extradition sont des actes de haute administration intervenus entre deux puissances, dans un intérêt général de moralité et de sécurité sociale ; que les formes et les conditions en sont réglées, non au profit des accusés, qui ne peuvent, par leur fuite à l'étranger, se créer un privilége contre la justice de leur pays, mais au point de vue des nécessités internationales ou des convenances réciproques des Gouvernements ;

" Attendu que le principe fondamental de la séparation des pouvoirs s'oppose à ce que la justice Française puisse s'immiscer dans l'interprétation et l'application des actes du Gouvernement qui livrent les accusés à sa jurisdiction ;

" Attendu que, par le fait même de la remise d'un accusé à ses juges naturels, le Gouvernement Impérial consacre la régularité de son extradition, et que cette décision, qui rentre dans la compétence exclusive du pouvoir exécutif, ne peut être l'objet d'aucun recours ;

" Par ces motifs, la Cour rejette les conclusions tant principales que subsidiaires formulées par la défense de Lamirande, et ordonne qu'il soit passé outre aux débats."

M. le Président : Accusé, vous avez entendu ; vous pouvez ne répondre que sur les faits relatifs aux crimes de faux. Etes-vous disposé à répondre à toutes les autres charges consignées dans l'acte d'accusation ?

Lamirande : Je suis prêt à répondre sur tous les faits.

Me. Lachaud : Je ne puis laisser engager mon client sur ce terrain. Je soutiens que la lettre du Garde des Sceaux n'a pu faire renvoyer Lamirande devant les assises que pour crime de faux. Il ne peut appartenir à personne, pas plus à M. le Garde des Sceaux qu'à tout autre, de violer la loi.

M. le Président : C'est pour cela que j'ai consulté Lamirande, lui laissant toute sa liberté d'agir.

Me. Lachaud : Je persiste dans ma protestation, M. le Président, et, s'il le faut, je poserai des conclusions très concises pour la bien déterminer. Lamirande ne comprend pas les conséquences de son acquiescement ; il appartient à ses défenseurs de les lui faire comprendre. Je ne demande qu'une suspension de cinq à six minutes pour rédiger mes conclusions.

Me. Lepetit : Je m'associe complétement aux observations de Me. Lachaud, et je me joins à lui pour demander le temps d'écrire nos conclusions.

Après quelques minutes de suspension, l'audience est reprise.

M. le Président : Accusé Lamirande, je vous répète ce que je vous ai déjà demandé : consentez-vous à être jugé sur tous les chefs de l'accusation dirigée contre vous ?

Lamirande : Je n'ai ni à consentir ni à ne pas consentir.

Me. Lachaud : Voici les conclusions que je prends au nom de Lamirande :—

" Attendu que Lamirande est renvoyé devant la Cour d'Assises de la Vienne, sous la triple accusation de détournements, de vols qualifiés et de faux en écriture de commerce ou de banque ;

" Que l'arrêt lui a été signifié et qu'il comparaît devant le jury sous cette triple accusation ;

" Attendu qu'il ne saurait être au pouvoir de personne de diviser ou de supprimer une partie de ces divers chefs d'accusation ;

" Que Lamirande n'a pas à consentir ou à ne pas consentir à être jugé sur les crimes relevés contre lui, d'abus de confiance et de vols qualifiés, mais qu'il a intérêt à ce que le jury soit appelé à vider toute l'accusation ;

" Que s'il est vrai, comme vient de le décider la Cour, que les Traités d'extradition ne peuvent jamais être interprétés par les tribunaux, il n'est pas acceptable que, devant la justice saisie régulièrement, on puisse, a leur sujet, modifier une accusation ;

" Attendu que la lettre de M. le Garde des Sceaux ne renferme que des instructions données à M. le Procureur-Général et ne saurait en aucune manière empêcher l'exécution d'un arrêt de la Chambre des Mises en Accusation ;

" Par ces motifs, dire que tous les chefs d'accusation seront soumis au jury."

Me. Lachaud, après avoir lu ces conclusions, demande à les développer.

M. le Président : M. l'Avocat-Général a peut-être aussi des réquisitions à prendre.

M. le Premier Avocat-Général : En effet, nous requérons qu'il plaise à la Cour disjoindre les faits relatifs aux soustractions frauduleuses et aux détournements, et ordonner que Lamirande ne sera jugé que sur les faits relatifs aux faux.

Après que Me. Lachaud a développé ses conclusions et que M. le Premier Avocat-Général a soutenu ses réquisitions, la Cour délibère de nouveau et rend un second arrêt qui repousse les conclusions de la défense et fait droit aux réquisitions du Ministère Public.

M. le Président : Ici, Messieurs les jurés, votre rôle va commencer : jusqu'à présent

vous n'avez pas eu à vous préoccuper des divers incidents qui ont surgi dans les débats ; il appartenait exclusivement à la Cour d'en connaître et de les apprécier. Maintenant, Messieurs, c'est à vous de décider sur la suite de ces débats, en vous rappelant que, conformément à l'arrêt que vient de rendre la Cour, vous n'avez à apprécier et à juger que les charges exclusivement relatives aux crimes de faux en écritures de commerce ou de banque ; toutes les autres étant écartées par l'arrêt.

La parole est donnée au Ministère Public.

M. le Premier Avocat-Général : Messieurs les jurés, la gravité de cette affaire, les circonstances non moins graves qui s'y rattachent, m'obligent à prendre la parole pour vous en présenter l'exposé.

Lamirande avait été renvoyé devant vous pour répondre de six chefs distincts d'accusation ; mais, comme M. le Président vient de vous l'expliquer, et cela en conformité de l'arrêt que la Cour vient de rendre, vous n'aurez à connaître que des charges qui se rattachent aux faux. Cependant, vous le comprenez, bien que vous ne soyez pas appelés à statuer sur l'ensemble des charges primitives de l'accusation, il est nécessaire que je vous fasse un exposé complet des faits.

M. l'Avocat-Général, après avoir fait connaître que la succursale de la Banque de France, à Poitiers, a été créée en 1858, et que, dès cette époque, Lamirande fut choisi pour en tenir la caisse, reproduit, en les développant, les faits indiqués par l'acte d'accusation. Il donne des détails sur la tenue de la caisse courante ; il décrit la cave où on enfermait les espèces en argent, les sacs qui contenaient ces espèces par sommes de 1,000 francs, leur dimension, leur forme, comme aussi celles des sacoches dans lesquelles on les entassait quand on avait un envoi considérable à faire en argent.

L'organe du Ministère Public fait connaître ensuite comment Lamirande a pu opérer des fraudes considérables tant en espèces d'argent qu'en espèces d'or. Il soutient que les fraudes n'ont pu être opérées par Lamirande que dans son bureau, où il se trouvait souvent seul et sans contrôle. En effet, pour les espèces en argent, il n'aurait pu frauder après qu'elles auraient été descendues dans la cave par sacs de 1,000 francs, car il n'allait jamais seul à la cave ; il y avait trois clefs pour l'ouvrir, et trois employés de la banque étaient nécessaires pour que l'ouverture en fût pratiquée. C'est donc dans son bureau que Lamirande enlevait 200 francs sur le sac de 1,000 francs, en prenant soin de diminuer la dimension des sacs ; puis, quand ces sacs étaient descendus à la cave, que les portes en étaient fermées, il devenait impossible de deviner de quelle main était partie la fraude. Lamirande avait agi avec beaucoup d'habileté dans cette manière d'opérer ; il mettait la banque dans l'impossibilité de découvrir le coupable, et s'il ne se fût pas fait connaître lui-même par sa fuite, on ne sait, à l'égard des espèces d'argent renfermées dans la cave, qui on aurait pu soupçonner. Pour les espèces d'or, dit M. l'Avocat-Général, on sait que c'est par du papier qu'il remplaçait le poids des pièces qu'il enlevait. M. l'Avocat-Général termine en rappelant que c'est pour masquer ces soustractions, tant en argent qu'en or, dont le total s'élève à plus de 700,000 francs, qu'il a commis tous les faux que lui impute l'accusation.

Après l'appel des témoins, au nombre de neuf, l'audience est renvoyée à demain.

Audience du 4 Décembre.

L'audience d'hier, qui a été consacrée tout entière à des incidents sur des questions de droit, devait peu intéresser l'auditoire, et néanmoins l'ardeur du public ne s'est pas refroidie et la foule n'est pas moins considérable aujourd'hui pour s'assurer des places dans la salle des assises, un peu exiguë. Le premier rang des banquettes de la tribune élevée au-dessus de la porte principale, exclusivement réservée aux dames, est au grand complet. Des places réservées à droite, à gauche et derrière les siéges de la Cour sont occupées par des magistrats, des fonctionnaires publics et des officiers supérieurs.

Il est procédé au réappel des témoins, au nombre de neuf, qui sont conduits dans la salle à eux destinée.

Interrogatoire de l'Accusé.

M. le Président : A quelle époque avez-vous été nommé caissier de la succursale de la banque, à Poitiers?

Lamirande : Dix-huit mois avant la création de cette succursale, qui a été créée en Août 1858.

D. Dites-nous en quoi consistaient vos fonctions?—*R.* A recevoir, à payer ce qu'on appelle la caisse courante. Le trop-plein de la caisse courante allait dans la caisse auxiliaire et de là dans la cave.

D. Vous n'aviez pas seul les clefs de la cave et de la caisse auxiliaire?—*R.* Non, j'avais une de ces clefs ; le directeur avait l'autre.

D. A quelle époque avez-vous commencé à prendre des fonds dans les serres (la cave)?—*R.* Je crois que c'est au commencement de 1862.

D. Il y a eu aussi des détournements dans la caisse courante ; à quelle époque les avez-vous commencés?—*R.* Le 12 Mars, 1865, et j'ai continué depuis ; mais j'espérais toujours remplacer les sacs d'or de la caisse courante, par des sacs d'argent que j'aurais fait porter à la cave.

D. Mais remplacer, ce n'était pas restituer?—*R.* Je le sais ; je n'espérais pas restituer ; mais je voulais retarder le plus possible le moment où je pourrais être découvert, et c'est pourquoi je cherchais toujours à éviter le déficit dans la caisse courante, qui pouvait d'un jour à l'autre être vérifiée ; tandis que le déficit n'existant que dans les espèces déposées à la cave, je pouvais espérer que ma fraude aurait pu durer éternellement.

D On a remarqué que les sacs altérés de la cave étaient placés sous les autres. Cela est si vrai, qu'on a trouvé des sacs dont la toile était pourrie, ce qui fait supposer qu'ils y étaient depuis longtemps?—*R.* Je n'avais pas pris cette précaution ; les sacs pourris peuvent l'avoir été en peu de temps, par suite de la température de la cave.

D. Enfin, vous reconnaissez que depuis trois ans ou trois ans et demi, vous preniez dans les réserves de la serre, et que depuis Mars 1865 vous avez pratiqué aussi des détournements dans la caisse courante?—*R.* Je le reconnais.

D. Pour les rouleaux d'or, vous pratiquiez ainsi : vous brisiez un rouleau, vous en enleviez plusieurs pièces d'or, et vous remplaciez le poids de ces pièces par du papier. De cette sorte, si l'on eût pesé les rouleaux sans les ouvrir, on eût trouvé le poids, à un centigramme près. Cela indique une grande habitude. Combien vous fallait-il de temps pour altérer ainsi un sac d'or contenant 20,000 francs?—*R.* A peu près dix minutes.

D. Cela parait impossible ; vous avez dû y consacrer plus de temps?—*R.* Si j'y mettais plus de dix minutes, je n'y mettais pas un quart d'heure.

D. Quel est le nombre des billets de banque que vous avez détournés dans la caisse de service?—*R.* Je ne me rappelle pas bien si c'est 465,000 ou 485,000 francs.

D. Je vais vous adresser une question très importante, à laquelle je vous engage à répondre avec franchise. Qu'avez-vous fait des sommes que vous avez emportées avec vous?—*R.* Je les ai dépensées d'abord en voyageant. J'ai acheté des habillements. En Angleterre, j'ai donné 7,000 francs à un interprète ; puis j'ai eu des dépenses de voyage se montant à 3,000 ou 4,000 francs. J'ai dépensé beaucoup à Londres, passant des nuits sans dormir, neuf nuits de suite. Il m'est impossible de dire ce que j'ai dépensé d'argent pendant ce laps de temps. Dans ma traversée d'Angleterre en Amérique, j'ai prêté 6,000 francs à un Canadien qui retournait dans son pays. Cette somme, il l'a restituée à la banque.

M. le Président.—Ne parlons pas de ce qui a été restitué. Qu'avez-vous fait du reste de ces 465,000 ou 485,000 francs que vous avez emportés en partant?—*R.* A New York j'ai donné 191,000 francs à mes avocats.

Me. Lachaud.—Ce ne sont pas des avocats.

M. le Président.—Des avocats de New York.

Me. Lachaud.—Il ne faut pas leur donner ce nom ; ce sont des complices de vol.

M. le Président.—Que sont devenus ces 191,000 francs?—*R.* Ils devaient me garder 135,000 francs pour réserve dans le cas où j'aurais plaidé l'extradition, ou me les rendre ; ils ont rendu 25,000 francs, et le reste est demeuré entre leurs mains.

D. Qu'avez-vous fait du reste des sommes emportées?—*R.* J'ai donné 10,000 francs à des femmes ; j'ai dissipé, j'ai joué, j'ai payé des dettes considérables.

D. Qui vous a volé?—Je ne puis pas le dire ; pour arriver aux voleurs, il faudrait traverser des innocents.

D Pourquoi jouer, puisque vous aviez à votre disposition des sommes considérables?—*R.* On savait que je n'étais pas riche ; je dépensais beaucoup ; j'ai joué pour faire croire que je gagnais beaucoup et que je trouvais dans le gain du jeu de quoi satisfaire à mes dépenses.

D. Vous dites que vous avez payé vos dettes, et cependant elles sont loin d'être éteintes.—*R.* Cela est vrai ; mais si j'ai encore des dettes pour environ 30,000 francs, j'en ai payé pour des sommes bien plus considérables.

D. Pour couvrir vos détournements, reconnaissez-vous avoir, depuis près de trois ans, fait des bordereaux de situation de caisse inexacts?—*R.* Les bordereaux ne sont pas inexacts. Ces bordereaux devaient servir plutôt à me perdre qu'à déguiser la vérité.

D. Je le sais ; ce n'est pas là la question que je vous adresse. Je vous demande si,

sur le vu de ces bordereaux, on pouvait soupçonner le déficit des caisses?—*R.* Non, sans doute ; mais la situation indiquée dans mes bordereaux serait exacte s'il ne manquait rien dans les caisses. Pour moi, le crime a commencé aux détournements, mais non quand j'ai fait mes bordereaux de situation.

D. Qui, cependant, servaient à masquer vos détournements?—*R.* Ce n'est pas mon avis. J'ajoute qu'en dressant ces bordereaux de situation, je ne crois pas avoir commis un faux ni en écriture de commerce, ni en écriture de banque.

D. C'est là une discussion de droit qu'il faut laisser à vos défenseurs. Appelez un témoin.

Me. Lachaud.—Pardon, M. le Président. Voulez-vous me permettre un mot?

M. le Président.—Je ne crois pas que ce soit le moment, Maître Lachaud.

Me. Lachaud.—J'insiste, M. le Président, je dois insister. Ce que j'ai dire est très-grave.

M. le Président.—Votre client a été interrogé sur un fait auquel il n'a pas voulu répondre. Nous ne pouvons permettre à son avocat de répondre pour lui.

Me. Lachaud.—Je ne veux pas me charger de répondre pour lui. Ce que j'ai à dire ne peut nuire ni à lui ni à personne. J'ai là 110,200 francs (Maître Lachaud pose devant lui un paquet dans une enveloppe de papier). Je veux les donner, je les donne, et en attendant qu'ils arrivent à leur destination à titre de restitution, je les dépose entre les mains de Maître Bourbeau, avocat de la partie civile. (Applaudissements dans le fond de la salle).

Me. Bourbeau.—Je n'ai pas qualité pour les recevoir. Il faut les remettre plutôt entre les mains de M. le Directeur de la Banque, qui en donnera reçu.

Me. Lachaud.—Il n'est pas besoin de reçu.

(M. le Directeur de la Banque ouvre le paquet et accepte les billets de banque qui y sont renfermés.)

M. le Président, à Lamirande.—Il manque encore environ 120,000 francs. Qu'avez-vous fait de cette somme?

Lamirande.—Je ne puis que répéter ce que j'ai déjà dit : je ne puis pas le dire.

Me. Lachaud.—Je dois ajouter quelques mots pour expliquer cette restitution de 110,200 francs. On nous a dit un mot, à Maître Lepetit et à moi. Nous avons couru au-devant du vol ; on a cherché partout, même sur les toits. Nous avons demandé à Lamirande s'il voulait nous nommer la personne à laquelle il avait confié cette somme : "Non! non!" a-t-il dit, "plutôt la mort. Cette personne a été volée elle-même, je ne veux pas qu'elle soit compromise."

Alors nous nous sommes attachés à cette mission, et nous avons retrouvé ces 110,200 francs que je viens de donner. J'ajoute que Lamirande n'a jamais eu cette somme en sa possession et que, s'il nous l'eût demandée, nous ne la lui aurions pas donnée. (Mouvement dans l'auditoire.)

M. le Président.—Appelez un témoin.

Audition des Témoins.

Le premier témoin entendu est M. Dubois de Jancigny, Inspecteur de la Banque de France, celui qui a accompagné l'ouvrier mécanicien appelé à Poitiers pour ouvrir le compartiment supérieur de la caisse courante, dont Lamirande avait emporté la clef.

Ce témoin confirme tous les détails donnés dans l'acte d'accusation sur les contestations du déficit trouvé à la suite du départ de Lamirande.

M. le Président.—Le bordereau quotidien de la situation de la caisse est-il une pièce obligatoire pour le caissier?

Le témoin.—Tout ce qu'il y a de plus obligatoire; c'est sur le vu de ces bordereaux des succursales que la Banque de France fixe le taux de l'escompte. Le double de ce bordereau est consigné dans un livre de la succursale.

Me. Lachaud.—Les instructions de la Banque sont-elles les mêmes pour toutes les succursales, pour l'établissement en double de la situation quotidienne?

Le témoin.—Les mêmes, depuis trois ou quatre ans, je crois ; avant la transcription du bordereau sur un livre relié n'était pas obligatoire, quoique dans plusieurs succursales les directeurs l'exigeassent.

M. le Président, au témoin.—Il est reconnu, par les aveux de Lamirande, que vos prévisions étaient exactes, en ce sens que les premiers détournements remontaient à plus de trois ans. Maintenant, dites-nous s'il a pu consommer ces détournements sans passer de fausses écritures.

Le témoin.—C'était une conséquence nécessaire des détournements ; sans les

bordereaux fausses, on se serait aperçu tout de suite d'un désordre dans la caisse ; on eût contrôlé, on eût découvert la fraude, et Lamirande aurait été arrêté.

D. Lamirande prétend ceci : il dit que les bordereaux de situation, loin de faciliter ses détournements, en rendaient la découverte plus facile, car, ajoute-t-il, en rapprochant les bordereaux de l'état de la caisse, on pouvait se rendre compte ; un simple pesage suffisait.—*R.* Ce raisonnement serait juste si on avait eu des soupçons ; mais les bordereaux masquant le déficit ne pouvaient qu'aider à la fraude.

D. Lamirande avoue les détournements, cela se comprend, il n'est pas poursuivi sur ces chefs, mais il nie les faux pour lesquels il est poursuivi ; on comprend sa tactique.—*R.* Dans mon opinion, les deux faits, celui de détournement et celui de faux, ne peuvent se séparer ; l'un est venu en aide à l'autre.

D. Expliquez-nous quelle est la responsabilité du caissier, et quant à la caisse courante, et quant à la caisse des réserves ?—*R.* Pour la caisse courante, celle qui est dans le bureau du caissier, la responsabilité lui incombe personnellement et uniquement. Il n'en est pas de même pour la caisse des réserves (cave ou serre) ; ici la responsabilité se divise entre deux personnes, le directeur de la succursale qui a l'une des clefs, et le caissier qui en a une autre.

D. N'est-ce pas par suite de cette responsabilité divisée que l'ancien directeur, M. Bailly, a été remplacé ?—*R.* Oui, M. le Président.

M. Bailly, cinquante-deux ans, propriétaire à Angers, ancien directeur de la succursale de Poitiers, est appelé à la barre.

M. le Président.—Dites ce que vous savez.

M. Bailly.—Messieurs les jurés, le 11 Mars dernier, j'ai reçu l'ordre de la Banque de France de faire des envois à la succursale d'Angoulême, l'un de 1,000,000, l'autre de 500,000 francs. Le jour même je prévins Lamirande, mon caissier, de faire pour le lendemain 12, l'envoi de 1,000,000 francs, et de préparer, pour le Mardi 13, celui de 500,000 francs. Ces ordres donnés, nous arrivons au Mardi 13, où dans la matinée je reçois une lettre de M. Lamirande, qui me prévient qu'il a été obligé d'aller subitement à Châtellerault, laissant ses clefs à M. Queyriaux, chef de comptabilité, et le soin d'opérer l'envoi à Angoulême des 500,000 francs.

Ici, le témoin entre dans les détails donnés par l'acte d'accusation sur la découverte des fraudes opérées sur les sacs d'argent à destination d'Angoulême, et, plus tard, sur les sacs d'or. Dans les sacs d'argent il manquait régulièrement 200 francs par sac ; dans les sacs d'or, le poids des pièces enlevées était remplacé par un poids égal de pièces d'argent et de papier. Ces fraudes n'auraient jamais pu être commises ni dans la cave, ni dans la serre ; ça a dû être nécessairement dans son bureau qu'il opérait ce travail, et quand les sacs étaient ainsi transformés, mais pesant leur poids légal, les garçons les portaient dans la caisse ou dans la serre, et, une fois les portes fermées, Lamirande se trouvait à l'abri, car dès ce moment la responsabilité était divisée entre lui et moi. Jamais je n'ai confié mes clefs de la réserve à M. Lamirande, en qui j'avais, du reste, la plus grande confiance.

M. le Président.—Ainsi, le caissier répondait personnellement de sa caisse courante, et pour les caisses de réserve vous partagiez la responsabilité avec lui ?

Le témoin.—Oui, Monsieur le Président, cela est ainsi dans toutes les succursales ; j'ai été moi-même longtemps caissier d'une succursale, et je répondais de ma caisse courante.

D. Comment se fait-il que Lamirande ait pu continuer ses détournements pendant plus de trois ans, ce qui est constaté par ses aveux d'abord, et par la vétusté d'un certain nombre de sacs trouvés dans la cave ?—*R.* Le caissier a la direction du mouvement des fonds. Quand nous descendions dans les réserves, c'est lui qui indiquait dans quelles cases il fallait prendre les sacs qu'on avait à expédier ; il était tout naturel qu'il se gardât d'indiquer de prendre les sacs altérés. Il aurait fallu avoir des soupçons sur lui pour contrecarrer ses indications.

M. le Président.—Accusé, qu'avez-vous à dire sur cette déposition ?

Lamirande.—Rien, Monsieur le Président, que de témoigner à M. Bailly mon profond regret des conséquences que ma conduite a eues pour lui.

D. Ces regrets sont venus bien tardivement. Le 13 Mars, alors que vous avez si bien préparé votre fuite, en emportant de votre caisse plus de 400,000 francs, vous n'avez pas songé à la responsabilité qui allait tomber sur lui.—*R.* Je n'ai pas préparé ma fuite ; je l'ai subie avec nécessité ; il fallait me tuer ou fuir.

D. Mais pas avec 400,000 ?—*R.* Je pouvais prendre 5,000,000. (Mouvement dans l'auditoire.)

D. Ainsi, il faut louer votre discrétion ?—*R.* Je ne cherche pas de louanges, mais je

veux dire que, dans l'extrême nécessité où je me trouvais, je ne pouvais partir les mains vides ; mais que si j'avais été un voleur, j'aurais pris tout ce que je pouvais prendre.

M. Bailly confirme que les faux bordereaux de situation de la caisse à lui remis chaque jour par Lamirande n'ont pu qu'endormir sa confiance et venir en aide à la continuation des détournements.

M. de Grétry, trésorier payeur général à Poitiers.—Je suis receveur de la Vienne depuis 1865 et censeur de la succursale de Poitiers. C'est en cette dernière qualité que j'ai eu occasion d'avoir quelques relations avec Lamirande. Je ne connais ni sa personne ni ses antécédents.

Le 13 Mars dernier, je fus appelé à la succursale par M. le Directeur. Là on m'apprit, qu'à propos d'un envoi d'argent à Angoulême, de 500,000 francs, on avait reconnu qu'un grand nombre de sacs ne contenaient pas les sommes qu'ils devaient contenir, et que le caissier Lamirande avait écrit le matin au directeur qu'il était parti subitement pour Châtellerault et avait laissé les clefs de sa caisse à M. Queyriaux, chef de comptabilité, en le priant de faire l'envoi des 500,000 francs à Angoulême. J'engageai aussitôt M. le Directeur Bailly à aller faire sa déclaration à M. le Procureur Impérial, où je l'accompagnai. On adressa aussi une dépêche à la Banque pour envoyer un inspecteur et un ouvrier pour ouvrir le compartiment supérieur de la caisse courante dont Lamirande avait emporté la clef.

Le reste de la déposition de ce témoin ne repose que sur des faits déjà connus.

M. Lambert, Administrateur de la succursale, à Poitiers, ancien magistrat, est appelé à la barre.

M. le Président.—Déjà plusieurs témoins ont déposé des faits à propos desquels vous êtes appelé à faire votre déclaration. Nous vous engageons à la résumer en aussi peu de mots qu'il vous sera possible.

M. Lambert, en effet, ne fait que confirmer ce qui a été dit par les précédents témoins, tant sur le mécanisme de la comptabilité de la succursale, du mouvement des fonds, que sur la responsabilité incombant au caissier et sur les circonstances qui ont amené la découverte des fraudes.

M. le Président.—Etes-vous depuis longtemps administrateur de la succursale ?

Le témoin.—Depuis sa création, Monsieur le Président.

M. le Président.—Avez-vous fait quelquefois des vérifications de la caisse ?

Le témoin.—Jamais, M. le Président, excepté celle faite le 13 Mars, à laquelle j'ai été appelé après la fuite de Lamirande.

D. En quoi consistent les fonctions d'administrateur ?—*R.* Uniquement à s'assurer de la solvabilité des personnes qui présentent des effets à l'escompte.

M. Queyriaux, ancien chef de comptabilité de la succursale, banquier à Poitiers, est appelé.

M. le Président.—Vous êtes appelé devant nous, monsieur, pour nous donner des détails sur la comptabilité de la succursale.

M. Queyriaux, après avoir rappelé les faits qui ont précédé et suivi la fuite de Lamirande, ajoute : Relativement à la comptabilité voici ce qui se passait : M. Lamirande, comme caissier, me donnait les pièces ; j'en passais les écritures sur mes livres, et le soir je contrôlais mon solde avec celui de son livre de caisse. Il fallait que les deux soldes fussent d'accord, et ils l'ont toujours été.

M. le Président.—Mais pour que le solde de Lamirande fût d'accord avec le vôtre, il fallait qu'il fût mensonger ?

M. Queyriaux.—Sans doute, mais j'ignorais le mensonge.

D. Quelle était la conduite de Lamirande à Poitiers ?—*R.* Je l'ignorais complétement ; ce n'est que depuis sa fuite que je sais qu'il faisait de grandes dépenses.

D. Soixante à quatre-vingts mille francs par an, dit-on ?—*R.* C'est ce que j'ai entendu dire, mais toujours depuis sa disparition.

D. Et de quelle nature étaient ses dépenses ?—*R.* On m'a dit qu'il jouait beaucoup.

D. Soixante mille francs en une seule fois, dit-on, à Angoulême ou à Angers ?

Lamirande.—Je n'ai jamais été à Angers, et nulle part, pas même à Angoulême, je n'ai perdu 60,000 francs.

Me. Lachaud.—Peu importe. Ce qui est certain, c'est que vous avez beaucoup joué et beaucoup perdu.

Lamirande.—Je l'avoue.

M. Maréchal, commis aux écritures à la succursale, est l'employé qui a été chargé d'acompagner au chemin de fer l'envoi à Angoulême des 500,000 francs. C'est lui qui, en pesant les sacs, a constaté qu'il devait manquer de 55,000 à 60,000 francs. Il confirme ces constatations.

Le sieur Sarrault, garçon de caisse à la succursale, et Barry, concierge, ont accompagné également l'envoi des 500,000 francs. Tous deux confirment les faits déclarés par le commis Maréchal. Le sieur Sarrault, qui, en même temps qu'il est garçon de caisse, était le domestique particulier de Lamirande, ajoute que, le lendemain de sa fuite, entrant dans la chambre de celui-ci, il a remarqué dans la cheminée que des papiers avaient été brûlés.

M. le Président.—Lamirande, quels étaient ces papiers ?

Lamirande.—J'avais anéanti des reçus d'argent que j'avais prêté.

M. le Président.—Je ne comprends pas ; brûler des reçus d'argent prêté ?

Lamirande.—J'avais perdu complétement la tête.

M. le Président.—Pas trop ; tous les préparatifs que vous avez faits pour votre fuite prouvent le contraire.

Lamirande.—Je déclare que j'avais la tête perdue ; toute ma conduite, après ma fuite, l'a bien prouvé.

La parole est donnée à Me. Bourbeau, avocat de la Banque de France, partie civile.

Me. Bourbeau.—Je viens devant vous, pour la Banque de France, défendre de grands intérêts, des intérêts moraux et des intérêts matériels, auxquels, pour ces derniers, il a été donné un commencement de réparation.

C'est une déplorable histoire que celle de Lamirande ; en lui vous n'avez pas à punir un écart, un moment d'oubli, mais une longue suite de méfaits, une persévérance dans le mal qu'on pourrait dire inexorable. Chez lui, aucun remords, aucun éclat de la conscience pour l'arrêter ; en trois années il a dilapidé 219,000 francs, et cela par des manœuvres journalières. Il les explique, comment ? par la passion du jeu. Le jeu n'est pas une excuse, il ne peut être qu'une explication. Un jour arrive où il ne peut plus continuer ses détournements, et il fuit, sans penser qu'il laissait derrière lui des familles désolées, celle de son malheureux directeur et la sienne. Il part ; ce n'est pas aux siens qu'il va faire ses adieux, mais il va les adresser à deux femmes de cette ville, sur lesquelles il fait tomber la pluie de Danaé. Suivons-le un moment : il quitte Poitiers, se rend d'abord en Angleterre, puis dans l'Amérique Anglaise, au Canada. Là, il est l'objet d'une demande d'extradition de la part du Gouvernement Français. Survient un incident. . . .

M. le Président : N'abordez pas la question d'extradition ; vous connaissez l'arrêt rendu hier par la Cour.

Me. Bourbeau : Je n'en voulais dire que deux mots.

M. le Président : Pas même deux mots, maître Bourbeau, veuillez passer.

Me. Bourbeau : Eh bien, ne parlons pas de l'extradition ; ne parlons pas non plus des vols, des soustractions frauduleuses, des détournements, et puisqu'il ne peut désormais être poursuivi que pour des faux en écritures de commerce ou de banque, discutons la question de faux.

Ce crime est-il douteux après les explications qui sont le résultat des débats ? Nous n'hésitons pas à déclarer que, pour nous, il ne saurait faire l'ombre d'un doute. Il a fait de faux états de la situation de sa caisse ; cela est constaté, il l'avoue. Dans quel but ? dans un seul but, celui de chercher une protection de ses détournements, dans l'altération de ses écritures. Ainsi, quand il annonçait par ses écritures la présence de tant de sacs de 1,000 francs, alors qu'un grand nombre de ces sacs ne contenaient chacun que 800 francs, ne commettait-il pas un faux ? Voyez-le dans son bureau, soit prélever 200 francs sur des sacs de 1,000 francs, soit transformer des rouleaux d'or en rouleaux d'argent, et faire transporter toutes ces valeurs dans les caves, voilà le vol, voilà le détournement ; mais après, que fait-il ? Il prend la plume et mentionne sur son livre de caisse et sur ses bordereaux de situation des sommes qui n'existent plus, puisqu'il les a détournées. Et cela ne s'appellerait pas un faux, et pourquoi ? est ce que la Banque de France n'est pas une société commerciale ? est-ce qu'elle ne fait pas le commerce des valeurs d'or et d'argent ? Est-ce que Lamirande n'était pas le commis d'une société commerciale ? A toutes ces questions, on ne peut répondre que par l'affirmative. Non, il ne peut pas être dit que pendant trois ans un caissier aura pu écrire un encaisse mensonger et en déficit, et qu'il ne sera pas un faussaire.

Voyez quelles ont été les conséquences de ces faux. A l'aide de ces faux, il a pu faire passer de la caisse courante, dont il avait seul la responsabilité, dans la caisse de la réserve, dont la responsabilité était partagée avec lui par le directeur, un chiffre de plus de 200,000 francs ; et voilà comment M. Bailly, l'honnête directeur, demeure moralement responsable de cette somme qu'il n'a jamais reçue.

Entrant dans la question de droit, l'avocat cite un arrêt de cassation de 1841, qui proclame que les mentions fausses faites par un commis sur des livres de commerce constituent un faux en écriture de commerce. Dans l'espèce citée, il s'agissait d'un commis qui, sur les livres de son patron, avait porté comme vendues des marchandises qu'il avait

dérobées. La Cour de Cassation a décidé que cela constituait un faux, par cette considération que les mentions fausses cachaient la vérité, et, de plus, pouvaient induire en erreur le négociant sur sa véritable position commerciale. Dans cette circonstance, comme dans celle où nous place le débat, le faux est un moyen de protéger un vol commis ou à commettre.

J'ai fait ma démonstration, messieurs, et j'ai montré les préjudices que peuvent causer les fausses écritures en matière de commerce. Lamirande était un voleur, il fallait nécessairement qu'il devînt faussaire. Par ces faux, il a causé un triple préjudice à la banque, un préjudice d'argent d'abord, puis un second préjudice en lui laissant ignorer la situation vraie de sa succursale de Poitiers, ignorance qui l'empêchait de répartir ses fonds là où ils pouvaient être utiles, et enfin un troisième préjudice, celui-là causé à un employé supérieur de la banque, à l'honorable M. Bailly, qui, même après la perte de ses fonctions de confiance, reste sous le coup de la responsabilité morale d'une partie des méfaits de son caissier infidèle.

J'ai terminé ma tâche. La probité proverbiale de ce beau pays du Poitiers a reçu une cruelle atteinte. Pendant trois ans un homme a pu travailler dans l'ombre à lui faire cette cruelle injure ; mais, comme toujours, il est arrivé que la justice, appuyée par l'opinion publique, a découvert le coupable, et aujourd'hui il vous est livré. Vous le jugerez bien, messieurs, car je sais que votre décision sera guidée par la conscience du juge et l'indignation du citoyen.

L'audience est renvoyée à demain dix heures et demie.

Audience du 5 Décembre.

L'audience est ouverte à onze heures, au milieu de l'émotion suscitée par l'incident qui a amené la restitution de la somme de 110,200 francs.

M. le Premier Avocat Général Gast a la parole, et s'exprime ainsi :—

Rarement, dans une affaire criminelle, le jour de la justice a été plus vivement désiré, plus impatiemment attendu, que dans celle qui est en ce moment soumise à votre appréciation. Ce n'est pas que cette affaire renferme un de ces forfaits qui jettent dans les populations la consternation et l'épouvante ; mais, sans offrir cette horrible gravité, cette cause a le triste privilége d'avoir excité au plus haut point l'indignation publique. Hâtons-nous de le dire, cette indignation honore le cœur humain. Il est, en effet, de ces spectacles contre lesquels le cœur humain se soulève avec véhémence. Les attentats de Lamirande ont soulevé l'opinion publique. A l'âge où la raison est arrivée à toute sa maturité, Lamirande avait été placé dans un poste de confiance qui lui livrait la garde d'immenses richesses. La probité de sa gestion semblait garantie, non-seulement par les précautions les plus sévères, mais aussi par les sentiments d'honneur et de délicatesse qu'il avait puisés dans sa respectable famille.

Qu'est-il arrivé ? Lamirande s'est trouvé placé, un jour, entre le désir de satisfaire ses ignobles instincts et le devoir de respecter les trésors confiés à sa garde : il est arrivé que la cupidité l'a emporté sur le devoir. Lamirande a franchi l'abîme ouvert devant lui, et après avoir porté une main criminelle sur le trésor dont il était le gardien, il s'est fait faussaire. Une fois engagé dans cette voie criminelle, l'accusé y a persisté jusqu'au moment où ses crimes ont été découverts, et Lamirande a couronné tous ses crimes par un crime plus énorme encore ; il a voulu s'assurer une grasse opulence sur une terre étrangère, pour continuer les débauches auxquelles il était habitué.

Mais le Gouvernement a compris qu'il était indispensable de demander l'extradition de Lamirande. Ah ! s'il suffisait de franchir la frontière, ce serait l'impunité sociale accordée aux plus grands criminels. Aussi l'extradition se propage de jour en jour. Notre homme d'Etat le plus éminent l'a dit ; "L'extradition, c'est l'assurance mutuelle contre l'ubiquité du mal."

Vous savez cependant le scandale qui a éclaté sur la terre étrangère où Lamirande s'était réfugié. Vous savez comment, avec l'or qu'il avait volé à la Banque de France, Lamirande a soudoyé toute une légion de suppôts qui se mirent à chicaner sur les conditions de l'extradition. Réfugié au Canada, il fut enfin livré à la France, et aujourd'hui Lamirande attend le juste châtiment qu'il a encouru. Ce n'est pas une œuvre de vengeance que nous voulons, c'est une œuvre de justice.

Vous le savez, Lamirande ne peut être jugé par vous que pour le crime de faux. On vous a dit que la grâce du repentir a subitement touché ce criminel ; on vous promet que s'il est acquitté sur le chef de faux, il viendra s'offrir en holocauste quant aux autres hefs de l'accusation.

Supposons que ce ne soit pas là une stratégie d'audience, supposons qu'il veuille plus tard se faire juger pour les crimes de vol et d'abus de confiance, ce ne serait pas une

raison pour l'acquitter sur la question de faux. En effet, pour nous, le crime de faux est de toute évidence.

Comment ! il n'y a pas de crime de faux dans cette affaire ? Voici un caissier qui commet tous les jours des soustractions dans sa caisse, qui vient tous les jours certifier à son chef, dans ses écritures, que tout est exact ; l'accusé faisait dans sa caisse des opérations criminelles qui n'étaient pas reproduites dans les écritures. Les écritures sont et doivent être la photographie de la caisse. Voilà ce que dit le bon sens.

A votre audience d'hier, vous avez entendu une démonstration magistrale de l'existence du faux. Il y a d'abord une considération qui a une valeur sérieuse. Une procédure criminelle, avant d'arriver aux assises, subit une double épreuve : la première est celle de l'instruction ; puis, si le fait constitue un crime, la procédure est soumise à la Cour impériale, chambre des mises en accusation. Cette marche a été suivie dans l'affaire Lamirande.

Après avoir passé en revue toutes les phases de la procédure, M. l'Avocat Général examine quels sont les caractères du faux, en droit, et il applique les principes aux faits de la cause. Il fait remarquer ensuite quelle a été l'énormité du préjudice causé à la Banque de France.

Lamirande a précipité son père dans le plus affreux désespoir ; il a déshonoré son nom. Mais le châtiment ne s'est pas fait attendre. Il a été frappé de réprobation même par cette ignoble créature qu'il entretenait, qui vivait de prostitution, et qui, en apprenant son arrestation, a dit : " Cet homme n'a pas de cœur ; je croyais qu'il aimait son père et sa mère : il n'aime personne."

Jamais accusé ne s'est présenté devant le jury avec une pareille accumulation d'attentats. Il a accompli ses crimes avec une assurance, avec une intrépidité sans égales. Son calme ne l'a jamais abandonné, et tout dans l'affaire démontre la préméditation de l'accusé.

Quel est donc le mobile qui l'a fait agir ? C'est le mobile le plus vil, la soif des plus basses jouissances, des plus ignobles voluptés. Sans parler des plaisirs de la chasse, il lui fallait les émotions du jeu ; il lui fallait les raffinements de la luxure la plus effrontée. A ce débauché émérite, il fallait deux concubines richement entretenues.

S'expliquant sur l'incident relatif à la restitution des 110,200 francs, M. l'Avocat Général dit qu'on a voulu faire un coup de théâtre. Cette restitution, c'est le fait d'un voleur qui, se sentant poursuivi, abandonne une partie de son butin pour sauver le reste. Lamirande a voulu se ménager des circonstances atténuantes, mais l'accusé en est indigne, et le jury sera pour lui sans pitié ! Les crimes de l'accusé ont eu un retentissement immense ; le châtiment doit tomber sur lui de tout son poids. Vous assurerez à la société, à la conscience publique, la réparation qui leur est due.

Me. Lachaud, avocat de Lamirande, s'exprime ainsi :—

Nous n'avons jamais méconnu au banc de la défense tout ce que cette affaire a de grave. Un caissier qui oublie son devoir, qui méconnaît la confiance qu'on lui accorde, rien n'est plus grave. Nous ne serions pas dignes d'être des avocats Français si nous n'étions pas d'accord avec les magistrats sur tout ce qui touche à l'honneur, à la probité, et à la loyauté. Mais pour que la justice soit juste, il faut qu'elle apprécie tout, qu'elle pèse tout avec le plus grand soin. La justice, c'est la plus grande chose du monde, c'est la justice de Dieu. Mais, après avoir reconnu l'énormité du crime, il faut que vous connaissiez l'accusé, sa vie, ses faiblesses, ses souffrances inouïes. Si vous ne teniez pas compte de tout cela, ce ne serait plus qu'une justice d'indignation, dont M. l'Avocat Général ne veut pas plus que moi.

Le malheureux homme que je défends a quarante-deux ans. De sa famille, je ne veux rien dire. Qui ne sait ici que tout le monde plaint, estime, aime son vénérable père que Dieu a laissé vivre trop longtemps, puisqu'il assiste au déshonneur de son nom ? Je ne vous parlerai pas de sa sainte mère et de son frère, l'homme le plus estimable. Le malheureux Lamirande est devant vous sous le poids d'une accusation terrible. Qu'il accepte cette humiliation nouvelle et que ce soit pour lui le plus inexpiable des malheurs. Quand l'orage a grondé sur cette malheureuse famille, on a été bon pour elle ; je le dis à la gloire de ce pays. Hélas ! Lamirande n'a pas su être le digne enfant de ces braves gens. Sa jeunesse a eu des entraînements, des folies, des dépenses, et lorsqu'en 1858 on en faisait un caissier, il devait plus de 50,000 francs. Le désir d'être utile à ce jeune homme faisait peut-être commettre une imprudence.

Le caissier doit être un homme aux habitudes modestes, vivant de peu ; c'est le représentant le plus parfait, il doit l'être, de l'exactitude et de la modestie. Celui-là qui verra devant lui les trésors ouverts de la Banque de France, il luttera longtemps ; le jour où il succombera, vous lui direz que c'est un criminel. Ah ! il ne fallait pas lui confier ces trésors.

Jusqu'en 1862 Lamirande a été irréprochable. Ses petites dettes ont augmenté. Il ne se donnait pas le luxe, mais bien la honte de deux concubines. Il y en a une que je plains : il y en a une autre dont je ne parle pas, et que je laisse à M. l'Avocat-Général le droit de mépriser tout à son aise. Un jour, alors qu'il était harcelé de toutes parts, au milieu de ses préoccupations, il y a un déficit, il lui manque 5,000 francs. Ce n'est pas beaucoup dans une comptabilité comme celle de la Banque. Eperdu, n'osant plus imposer à sa famille un sacrifice nouveau, il a volé. L'abîme était ouvert. Quand on a fait le premier pas dans cette voie, la perversité marche ; le mal nous pousse, nous devenons son esclave. C'est ce qui est arrivé à ce malheureux. Après avoir comblé le déficit, il a payé ses dettes, il a joué ; il a compté sur la fortune, il a perdu, et, après avoir perdu 100,000 francs, de faute en faute, de chute en chute, il en est arrivé à ce départ que vous savez.

Cette terrible affaire sera pour tous les caissiers une grande lumière. Les faits vous disent que les précautions de Lamirande étaient dérisoires. Il coupait les sacs, il changeait l'or en argent ; mais on pouvait vérifier. Il était à la discrétion de la première visite sérieuse.

Vous vous rappelez la fuite de Lamirande, allant, dans le trouble de sa conscience, chercher un asile au Canada, trahi par tous. C'est une agonie si cruelle que je me demande s'il ne vaut pas mieux être sur ce banc d'ignominie. Quand on l'a arrêté au Canada, savez-vous ce qu'il lui restait ? Dix-huit francs, à lui qui avait emporté d'ici un demi-million. Et quand il a écrit à ces hommes, que je n'appellerai pas, moi, des avocats, pour avoir une petite somme, il n'a pas reçu de réponse.

Voilà les misères qu'il a subies. Quand il est revenu en France déguenillé, l'agent de police a dû lui prêter des vêtements pour le faire monter sur le bateau qui le ramenait en France. Ah ! quelle leçon !

Je pourrais parler de l'incident d'hier. Nous pourrions nous demander, mon confrère et moi, ce que nous a rapporté la restitution faite à l'audience. Si les défenseurs n'étaient pas d'honnêtes gens (ce dont nous ne remercions personne), il y aurait du danger à se conduire comme on le doit. Non, non, M. l'Avocat-Général, ce n'est pas un coup de théâtre que nous avons voulu faire. Nous avons remis cet argent à l'audience, parce qu'il ne nous a pas paru opportun de le faire plus tôt. Si nous avons restitué cet argent, c'est parce que c'est nous, et non Lamirande, qui avons retrouvé cet argent. Qu'il me soit permis de le dire à mes confrères de ce barreau, ce que nous avons fait avec notre cœur et notre honneur, vous l'eussiez fait comme nous, mais vous passeriez bien des nuits sans sommeil. Voilà le fait : moi, messieurs, je m'en honore, et mon confrère Lepetit s'en honore comme moi. Nous ne sommes pas en France des avocats Américains.

Trois chefs d'accusation ont été reprochés à Lamirande—vol, détournement, et faux. L'avocat, après avoir écarté les deux premiers chefs, examine les caractères juridiques du faux.

L'Article 147 punit (pourquoi ne le dirais-je pas ? rien ne le défend, que je sache)—l'Article 147 du Code Pénal punit des travaux forcés à temps le crime de faux. Mais où rencontrez-vous l'altération de la vérité ? Ce livre de caisse est sincère ; les bordereaux de situation comprennent l'état du capital dans toutes les caisses de la banque. Or, vous savez qu'il y avait trois caisses. Seulement les pièces de comptabilité servaient à faire la déclaration de situation. Quant à la comptabilité du caissier, elle a été vraie. Mais où est l'obligation, la décharge ? Montrez-moi l'engagement pour ou contre quelqu'un ?

On vous a dit qu'il y avait là une décharge implicite, faisant peser la responsabilité sur quelqu'un qui ne devait pas l'avoir. Cette prétendue décharge dont on vous a parlé ne peut donc vous arrêter. Mais, où donc est le préjudice ? J'en appelle à Me. Bourbeau, qui est mon confrère, et avec qui je peux me permettre plus de latitude qu'avec M. l'Avocat-Général. Est-ce parce qu'il peut y avoir un préjudice moral qu'on pourra dire qu'il y a un véritable préjudice, comme l'entend la loi ? Ah ! mais, dit-on, vous avez trompé la Banque. Je réponds qu'avec un million de plus ou de moins la Banque n'en est pas moins riche, tant qu'elle n'est pas atteinte dans son crédit. Oui, j'ai trompé la Banque, je l'ai trompée en la volant, mais non pas en faisant un faux.

La Banque de France a des comptes courants. Si le compte courant n'est pas sincère, il peut y avoir grief, altération de la vérité. C'est là un faux. Mais il ne suffit pas d'avoir altéré la vérité et d'avoir causé un préjudice moral. Le mensonge écrit ne suffit pas. Cela peut être une escroquerie, ce peut être une manœuvre frauduleuse. Eh bien ! le livre du caissier, mon livre à moi, n'a pas été altéré. Ce que vous attaquez, c'est la comptabilité intérieure de la Banque. Mais le malheureux qui est là, tout coupable qu'il soit à vos yeux, au point de vue de la morale n'est pourtant pas un faussaire.

Avant tout, les jurés ont leur serment qui les lie. Il faut juger cet homme coupable de faux, si le faux a été commis. Rassurez-vous, je ne veux pas l'impunité pour cet homme. Il ne s'en ira pas, il ne le veut pas, et je ne le veux pas, moi. Voilà la déclaration que j'a reçu mission de vous lire au nom de Lamirande, et j'engage pour lui ma parole :—

"Je soussigné, Surreau-Lamirande (Ernest-Charles-Constant), déclare solennellement que si le verdict du jury qui doit statuer sur les fautes qui me sont reprochées, et que je proteste n'avoir jamais eu l'intention de commettre, est négatif, je n'entends en aucune manière profiter du bénéfice du Traité d'Extradition avec l'Angleterre ; que je demande, au contraire, dans cette hypothèse, à être jugé par la Cour d'Assises de la Vienne pour les faits de détournements et de vols qui sont relevés contre moi par l'arrêt de la Chambre des Mises en Accusation.

"Je suis donc prêt à me constituer prisonnier, et je prie mes défenseurs de déposer cette déclaration entre les mains de M. le Procureur-Général.

"*Poitiers*, 4 *Décembre*, 1866.

(Signé) "Lamirande."

Ah! M. l'Avocat-Général, est-ce que vous n'avez pas compris ma situation dans cette affaire? Nous n'avons pas voulu nous embusquer derrière des Traités d'Extradition. Arrière! arrière! nous n'avons pas recours à de tels moyens. Comme les magistrats, nous portons la robe aussi. La couleur n'y fait rien, c'est la conscience qui fait tout.

Dans trois mois Lamirande sera ici, et vous le jugerez, vous ou d'autres. Je veux qu'il ait le bénéfice de son courage ; je veux qu'après le verdict du jury il soit libre de par la loi, mais qu'il soit prisonnier de par la justice et par sa volonté. Nous autres, avocats, nous comprenons avant tout la miséricorde. Le défenseur d'un accusé le soutient, le relève devant tous ; il lui parle du remords, de Dieu, de l'expiation. Nous sommes les médecins de l'âme, heureux et fiers de l'être. Cet homme sera acquitté, mais justice sera faite dans trois mois. J'ai plaidé mon procès comme je l'entends ; j'ai dit la vérité. Dans trois mois nous ne dirons pas que la loi est pour nous, mais qu'elle est contre nous ; nous chercherons, sans doute, à attendrir le jury dans une certaine mesure pour tant de souffrances.

Ah! le malheureux, si vous saviez ce qu'il a souffert! Oui, avant d'arriver sur ce banc, il a trouvé hier dans sa prison ces trois lettres que je veux vous lire. En lisant ces lignes, j'étais ému au fond de l'âme, et vous partagerez mon émotion.

Voici d'abord la lettre de la sainte mère de Lamirande :—

"Trop cher et malheureux enfant,

"Je n'avais pas attendu le cri de ton cœur pour te pardonner ta faute ; mon âme est remplie pour toi d'une immense compassion en songeant au sort que tu t'es fait et aux souffrances que tu t'es attirées.

"J'adresse au Ciel une ardente prière pour que tes juges soient indulgents, et que Dieu te pardonne comme ta mère t'a pardonné.

(Signé) "A. S. Lamirande."

Voici la lettre du vieillard à son fils :—

"Je savais bien que l'heure du repentir viendrait avant l'heure de la justice, et mon pardon, malheureux enfant, t'était acquis du jour où tu reconnaîtrais ton erreur. J'ai souffert plus que toi des misères qui devaient être la suite de ta honte et de ta fuite. Je souffrirai encore des affreuses souffrances qui vont t'être imposées. Je ne m'en plaindrai pas si tu sais supporter avec dignité ta misère et persister dans ton repentir.

"Je n'ai pas besoin de te dire que nous faisons tous des vœux pour que tes juges soient indulgents et te tiennent compte d'une vie honorable jusqu'au jour où tu as manqué à l'honneur et à la probité.

"Sois repentant et Dieu te viendra en aide.

"Ton malheureux père,

(Signé) "S. Lamirande."

Le frère de Lamirande, enfin, lui écrit ce qui suit :—

"Mon pauvre frère,

"Tes souffrances passées, tes souffrances aujourd'hui bien plus poignantes encore, remplissent notre âme de pitié pour toi ; mais ce n'est pas à cause d'elles que nous te pardonnons. C'est à cause de ton repentir que nous croyons sincère et complet ; c'est là qu'est ton refuge, c'est par là seulement que tu peux retrouver la paix avec toi-même. C'est par là que plus tard à force de courage, de patience, et d'abnégation, tu peux te

refaire une dignité. Nous te soutiendrons de tout notre pouvoir dans l'accomplissement de cette œuvre qui te serait impossible aujourd'hui, mais qui ne l'est pas. Courage donc, notre affection ne te fera pas défaut, si tu as la ferme volonté d'en être digne. Elle t'aidera à reconquérir notre estime.

(Signé) "C. LAMIRANDE.

"P.S.—Mathilde est de moitié dans les sentiments que je t'exprime."

Je ne veux rien ajouter à ces lettres. Pour le monde Lamirande est mort. Il sera un condamné de Cour d'Assises, dans trois mois; mais, si les hommes sont sévères, Dieu sera pour lui miséricordieux. Il y a dans ces lettres que je lui rends tout un avenir d'amour. Ses parents vivront encore pour lui pardonner et pour l'aimer. Voilà la cause. L'heure va venir, elle est proche: mais ne faisons pas sans nécessité une violation à la loi. Je compte sur vous, Messieurs, parce que vous êtes des hommes de cœur et de conscience, et que vous ne frappez que lorsqu'il faut frapper.

L'audience est suspendue à $2\frac{1}{4}$ heures.

Après des répliques de Me. l'Avocat-Général et de Me. Lepetit, M. le Président résume les débats; le jury se retire ensuite pour délibérer. Au bout de trois quarts d'heure il rapporte un verdict affirmatif sur les questions de faux et d'usage de pièces fausses.

Il reconnaît qu'il existe en faveur de l'accusé des circonstances atténuantes.

La Cour, après en avoir délibéré, condamne Sureau de Lamirande à dix années de réclusion.

Lamirande paraît atteré.

(Translation.)

Report of the Trial of M. Lamirande.

Analysis of the Declaration of Judge Drummond, published by a Belgian Paper.

THIS document not having been read during the sittings of the Lamirande trial has not been published by the French papers. By printing it they would have rendered themselves liable to prosecution for inaccuracy in the judicial reports.

"We will here recall that somewhat strange document of Judge Drummond of Montreal, which, in fact, sums up the whole question of the extradition.

"Indeed, in France we should be at a loss to give a name to this document, which corresponds neither in form nor in substance with our idea of a judicial sentence.

"In the first place, the Honourable Canadian Judge acknowledges that he has no further orders to give, it being impossible to bring before him the accused, or rather the petitioner, as he calls him in deferential language, he being on the high seas, carried off by one of the most audacious and up to this time happy enterprizes against justice which have ever been heard of in Canada.

"Notwithstanding this somewhat candid declaration, the Honourable Judge Drummond launches forth into a long dissertation better suited to pleadings or polemics than to the impartiality of a judicial document.

"What results from this harangue is the rather impassioned opinion of the Judge, maintaining that the extradition would never have been granted by him if the case had remained intact, and that for several reasons, which he enumerates very concisely, viz.—

"1. That the French Consul-General at Montreal was not qualified to demand the extradition, not being an accredited Diplomatic Agent, as required by the Treaty of 1843.

"2. Because the original instrument of indictment against the accused was not authenticated: that in lieu of the original and regular document only a copy thereof, translated by some unknown individual, was produced (it is known that at New York the warrant was abstracted from the rest of the papers by one of Lamirande's advocates, to whom this document had to be communicated).

"3. Because the act imputed to the accused Lamirande does not contain the imputation of any of the acts characterized as crimes by the English laws, and which would authorise his extradition according to the terms of the Treaty.

"In fact, in England, the crime of forgery only consists in the deceitful fabrication of a document intended to be what it is not, not in the fabrication of a document intended to be what it is; in other and clearer terms, a lie in writing is not a forgery.

"Then Judge Drummond recollects that he ordered the petitioner (Lamirande) to be brought before him, and adds:—

"'The answer of the keeper of the prison to my writ of *habeas corpus* was, that he had handed over the prisoner to Edme-Justin Melin, Inspector of Police at Paris, on the night of the 24th instant, at midnight, by virtue of an order signed by the Deputy-Sheriff upon a document signed by the Governor-General.

"'It appears, he contiuues, that the petitioner, thus delivered to a French Agent of Police, is now on his way to France, although his extradition was illegally demanded, although he was accused of none of the crimes for which he could have been legally delivered up, and notwithstanding that I was positively informed that his Excellency the Governor-General had promised, as he was bound to do in honour and justice, to give the petitioner an opportunity of having his petition decided by the first tribunal of the land before ordering his extradition.'"

"After these imputations levelled by a magistrate against the Governor of the country, one can understand the polemical violence of the American press. It is true that the Canadian magistrate adds, that if there is a false date in the Governor-General's warrant, he sees therein a proof that the good faith of the Governor has been abused."

Report of the Trial of Lamirande, taken from the "Gazette des Tribunaux," and the Journal "Le Droit."

Court of Criminal Justice.—Assizes of Vienne.

(Especially drawn up for the "Gazette des Tribunaux.")

Under the Presidency of M. Aubugeois de la Ville du Bost, Judge of the Imperial Court of Poitiers.

Sitting of December 3.

In re Lamirande.—Fraudulent Abstraction.—Embezzlement of 704,000 francs from the Branch Bank of France at Poitiers.—Forgery in Bank Accounts.

The name of Lamirande has for some months acquired such notoriety that it is sufficient to mention it to recall all the facts with which it is connected. Cashier at the Branch Bank of France at Poitiers, he disappears, leaving a considerable deficit in his cash; he flies, he crosses the seas; he first takes refuge in England then in America. French police agents follow on his track, have him arrested, but before he is delivered up to them, disputes arise between the different authorities of America, England, and France upon the question of extradition, and it is only lately that they have been settled, and that Lamirande has been handed over to the justice of his country. Such is the summary, much abridged, of the long preliminaries of this serious affair, but which, it appears to us, ought to be sufficient, now that it is coming to trial, to bring it to the notice of the public.

A large concourse of people thronged the approaches to the Palace of Justice in the hope of being present during this important trial. It could not be otherwise in the town where the accused has been so long known, and where, whilst he acquired a position of confidence, he was enabled to gain the esteem of a large number of its inhabitants.

The Magistrates' Bench was occupied by M. Gast, first Avocat-Général. The Procureur-Général Damay was present.

Maître Lachaud was charged with the defence of Lamirande, who had also as Counsel, Me. Lepetit, formerly senior advocate of the bar at Poiters.

Upon the accused being introduced into Court, a quick movement of curiosity was apparent on all sides; all heads were raised; all eyes directed towards him, and a long period elapsed before the first burst of public curiosity subsided.

Lamirande, whose carriage and demeanour announce him to be a man of superior breeding, is of middle height; he has brown hair, a high forehead, a pale complexion; his regular features announce shrewdness and vivacity. Those of the inhabitants of Poitiers who knew him, say that they can hardly recognize him, he is so changed and emaciated; nevertheless, he is not depressed and he seems not to have lost any of his energy.

After the jury had taken their places and the identity of the prisoner had been proved, the warrant of arrest and the act of indictment were read by the Clerk of the Court; this last document is couched in these terms:—

"On Monday March 12, 1866, M. Bailly, Director of the Branch Bank of France at Poitiers, informed Lamirande, cashier of the same establishment, that a million in gold would have to be immediately forwarded to the branch at Angoulême, and that the day

after, Tuesday, 500,000 francs in silver would have to be sent to the same place. Lamirande made, during the day, the necessary preparations for the dispatch of a million in gold. In the evening he clandestinely left his post, took the railway, and reached the frontier. Before starting he had left a letter addressed to the director M. Bailly, in which he stated that he was unexpectedly obliged to go to Châtellerault, that he had left his keys with M. Quérieux, chief accountant, and that he would return soon enough to make up his cash account. At the same time he had written to M. Quérieux that being obliged to leave for Châtellerault he begged him to act as cashier on the morrow and to superintend the dispatch of the money by the attendants of the bank; he added that he would arrive in time to draw up the daily report. This letter was taken by a messenger to M. Quérieux with the keys which opened the lower compartments of the current cash ('caisse courante'). Lamirande's sudden departure could not at first appear suspicious, for he had taken the precaution of telling several people the falsehood that his nephew was very ill at Châtellerault, and that the state of the child caused him great anxiety. On the 13th of March, the employés of the bank proceeded to remove the 500,000 francs which had to be sent to Angoulême. Sacks were ready; they were filled to the number of 50, by taking from the cellars 500 bags of 1,000 francs each, and the 50 sacks, which ought each to have weighed 50 kilogrammes, were placed upon a truck accompanied by a clerk and an attendant, and taken to the Bureau des Messageries. There they were weighed and it was immediately found out that most of them were under weight, showing a deficit of about 2,000 francs per sack. The director was informed of this; he immediately had the whole taken back to the bank, opened the sacks, took out the money bags and counted them. 310 of them were found to be uniformly deficient of 200 francs, within about a five-franc piece.

"One of the Inspectors (censeurs), M. Grétry, and one of the Managers, M. Pavie, were informed of this; they went down into the cellar from which the deficient bags had been taken, and discovered that the same difference existed in a great many more bags of money. They discovered, besides, that many bags which ought to have held each 10,000 francs in gold of 20-franc pieces, only contained in the same bulk 2-franc 50-centime pieces. In a word, it was proved by the examination which took place on the 13th of March and the following days, that the sums abstracted from the cellar amounted to 219,000 francs.

"Lamirande had not however, sent to M. Querieux the key which opened the upper compartment of the current cash; now, this compartment ought to have contained a very considerable sum, whether in notes or in gold. A workman, sent for from Paris, arrived the next day, together with a Bank Inspector, and opened the compartment. All the 1000-franc notes had disappeared; there only remained 400 notes of 100-francs, of which the bundle had no doubt appeared too bulky to be carried off. It was moreover found out that there were two bags apparently filled with gold and labelled 20,000 francs, but it was at once perceived that the rouleaux of gold pieces had been replaced, at the bottom of the bags, by paper rolls of 2-franc 50-centime pieces, wrapped first in white and then in blue paper, so as to equalize the weight to within about a centigramme with that of a sum of 20,000 francs in gold. An exact and minute investigation proved that the embezzlements effected from the cash amounted to the sum of 485,000 francs.

"Hence, from the cellar and from the cash-box, in specie or in notes, a sum total of 704,000 francs had been abstracted to the loss of the bank.

"In face of these discoveries no doubt was possible; the flight of the cashier was the proof of his guilt.

"It was moreover manifest that the cashier alone could have perpetrated this immense spoliation. In the first place Lamirande had the exclusive management of the current cash, which had been exhausted in the course of the day of March 12; secondly, he alone could have effected either the abstraction from a great number of bags of silver or the removal of the bags of gold. It was easy for him to abstract them whilst alone in the cellar, where he superintended the depositing and the despatching of moneys, by taking advantage of the absence of the director and employés charged with the conveyance of the bags.

"Lamirande's flight was suddenly precipitated by the unexpected order to send 500,000 francs to Angoulême, for it became clear to him that the dispatch of so considerable a sum trenching upon the reserves of silver deposited in the cellar would necessarily include the deficient bags, and lead to the discovery of the fraud.

"Lamirande is not answerable to justice for the enormous abstractions of which he is guilty alone. His duties as cashier required him to remit daily to the Board a return in which he certified to the state of the different coffers of the Bank, by showing, according to their value, the sums and effects that were there deposited. He has committed

a daily series of forgeries by announcing each day in his return a state of affairs which had ceased to be correct owing to his own embezzlements. The very day of his departure he still transmitted to his director a return of the state of the Bank, certified and signed by himself, in which he falsely attested that the sum total in the coffers of the Bank amounted to the sum of 11,443,000 francs, whilst in reality, through his abstractions, the amount in hand was diminished by the 704,000 francs of which he had possessed himself.

"Lamirande has committed forgeries in banking accounts ("faux en écriture de banque"), and he has knowingly made use of false papers by remitting returns which concealed the fraudulent abstractions and embezzlements of which he is guilty.

"Consequently Lamirande is accused:—

"1. Of having at Poitiers, within less than ten years, fraudulently abstracted divers sums in gold or silver coin from the safe or cellar of the Branch Bank of France, to the loss of that establishment. Of having committed these fraudulent abstractions, under this circumstance, that he was then the salaried cashier, or servant at wages, of the said Bank of France.

"2. Of having at Poitiers, within less than ten years, and especially on the 12th of March, 1866, embezzled or made away with, to the prejudice of the Bank of France, the proprietors thereof, funds and notes placed in the current cash of the branch at Poitiers, which had only been remitted and confided to him for purposes of deposit and demand, on the understanding of his returning, or producing, or making some appointed employment or use of them. Of having committed the above specified embezzlements, under this circumstance, that he was then cashier or paid clerk of the said Bank of France.

"Of having at Poitiers on March 12, 1866, in the return signed by him, which it was his duty to draw up and certify each day as cashier of the Branch Bank of France for the purpose of showing the amount in hand at the said branch, fraudulently inserted the false declaration that the amount in hand consisted that day of 11,443,556 francs 84 centimes, whilst in reality it was less by all the sums abstracted or embezzled by him, and of having thus fraudulently changed the declaration and facts which it was the object of this report to receive and verify.

"4. Of having the same day, at the same place, made use of this fictitious paper knowing that it was fictitious, by remitting it to the Director of the Branch Bank of France at Poitiers, in order to show the state of the cash at that establishment on the 12th of March, 1866.

"5. Of having at Poitiers, within less than ten years, and anterior to the 12th of March, 1866, in several returns signed by him—which it was his duty to draw up and certify each day as cashier of the Branch Bank of France, in order to show the cash in hand at the said branch—fraudulently inserted the false declaration that the cash in hand amounted to a sum larger than that which existed in reality; which amount was less than the figures recorded by all the sums abstracted or embezzled by him, and of having thus fraudulently changed the declarations and facts which it was the object of this report to receive and verify.

"6. Of having at the same period and at the same place made use of these fictitious papers, knowing that they were fictitious, by remitting them to the Director of the Branch Bank of France at Poitiers, in order to establish the state of the cash at that establishment on the days indicated.

"Given at the bar of the Imperial Court of Poitiers, the 23rd of September, 1866.

(Signed) "CAMOIN DE VENCE, Avocat-Général."

During the reading of the indictment, which was listened to by the audience in the most profound silence, the accused appeared to be deeply moved; he almost always kept his head down, resting on his hand, frequently passing his handkerchief over his eyes and forehead.

It ought to be stated that on the jury being empanelled, Maître Lachaud, in the name of Lamirande, requested that note might be taken so that his presence, and that of the accused, at this empanelling should not in any way prejudice the motions in exception ("conclusions exceptionnelles") which he might choose to submit before entering upon the actual proceedings. Note was taken of this reservation, and the President ordered that it should mentioned in the minutes of proceedings.

The President then recapitulated to the prisoner the different heads of accusation brought against him, to the number of six fraudulent abstractions and forgeries.

The prisoner made no observation.

Maître Bourbeau, advocate, came forward, attended by Maître Pinchot, attorney, and read motions to the effect that the Bank of France should be allowed to appear as

prosecutor, and that record should be made of their reservations to fix during the course of the debates such damages as they should think fit.

The President.—It is for the first Avocat-Général to speak.

Maître Lachaud.—Pardon me, M. le President, I request permission to speak in order to submit the following motions :—

Seeing that it is established as a principle that Courts of Assize are competent to judge whether the extradition of accused persons has been conducted in a regular manner, or whether, on the contrary, it has been the result of fraud or of violence ; that this principle has been recognized by the Court of Cassation, especially in its Decree of the 9th of May, 1845 ;

In point :—

Seeing that Lamirande, cashier of the Branch Bank of France at Poitiers, sent by order of the Court of Indictment before the Court of Assize of Vienne, on several accusations, took refuge in Canada (an English possession) ;

That a demand for his extradition had been made by virtue of the Treaty concluded between Great Britain and France on the 18th-21st of March, 1843 ;

That this Treaty, which indicates the forms necessary to be observed in the two countries in cases of extradition, reads textually, Article I, Section 2, in so far as concerns Great Britain :—

" Consequently, on the part of the British Government, the surrender shall be made only on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest, or other judicial document likewise issued by a Judge or competent Magistrate in France, and likewise clearly setting forth the acts."

Seeing that it results that in order that the English Government may grant the extradition, it is necessary before all that a competent Judge should have declared its legality, that consequently it is not only an administrative, but also a judicial decision ;

Seeing that Lamirande having, in the first instance, been brought before M. Bréhaut, Justice of the Peace, the latter adjudged the surrender, but that almost immediately that decision was attacked before the Superior Judge of the Queen's Bench, Mr. Drummond, and that from that time a regular appeal was lodged against the decision ;

Seeing that Judge Drummond heard the cause on the 24th of August, 1866, that all parties appeared through their respective representatives, that the demand for extradition was supported, opposed, and discussed;

That at that stage, after a long sitting, and when the trial had been accepted by all, on the request of M. Pomainville, counsel for the Bank of France, who was desirous of making some further observations, Judge Drummond, when about to give judgment, in consideration of the lateness of the hour (7 o'clock in the evening), postponed the remainder of the hearing and his decision till the next day the 25th ;

Seeing that during the evening of the 24th of August, before the decision of the Judge, who alone was qualified to give a definitive decision, police agents dragged Lamirande forcibly from prison, that he was brought to France, and notwithstanding his protests handed over to the French police ;

Seeing that all these facts cannot be contested, that they are proved by the Judgment delivered by Mr. Drummond on the 28th of August, 1866 ;

That it results, moreover, from this decision that Mr. Drummond has declared that there were no grounds for an extradition, for several reasons, given in his Judgment, and founded either on the form of the demand, or on the main issue, in that the acts cited constituted none of the crimes for which extradition could be granted ;

Seeing that at present the Court of Assize is called upon to judge whether the extradition of Lamirande can be declared legal ;

That it is evident it could not be so, since the Judge before whom the case had been duly brought by all parties, and whose duty it was to decide definitively upon it, has declared that there was no reason for granting it ;

That an act of violence, for which England cannot fail to call her Agents to account, ought not to prevail over a judicial decision, and thus make force and subornation superior to right ;

That whatever may be the faults and the crimes of which Lamirande is accused, they can form no reason for violating the most ordinary rules of justice ; that the aim of international Treaties of Extradition is not to give advantage to accused persons, but above all, to respond to the highest interests of the reciprocal relations and liberty of nations ;

Seeing that it is in vain to object that Lamirande was handed over to the French Agents of Police by virtue of an order signed on the 23rd of August, 1866, by the

Governor of Canada; that it results from the sentence delivered by Mr. Drummond that the date borne by this order is not the real one; that it was given after the 23rd of August; that the Governor's signature could only have been obtained by underhand means;

Seeing, moreover, that the very terms of the Treaty of 1843 do not permit the Governor-General to deliver up an accused person for extradition before the judicial decision has been pronounced by the proper Judge; that on the 24th of August the case came before Judge Drummond; that the British Government, represented by Mr. Ramsay, Queen's counsel, the Bank of France, represented by M. Pomainville, advocate, Lamirande himself represented by Mr. Doutre, advocate,—were heard, and that they argued the question of the legality of the extradition before that Magistrate;

That from that moment until after the decision of Judge Drummond, it was impossible to dispose of Lamirande without violating at once both law and justice;

That it may please the Court, for these reasons and for others which it may think fit to add, to pronounce the extradition null.

And, quite collaterally, seeing that—to suppose an impossibility—the Court should declare itself incompetent to pronounce the extradition null by reason of the diplomatic character of that act, it cannot ignore the fact that the circumstances attending this extradition may be of a nature to render it null; that it would then have to be submitted to the attentive examination of the two Governments of France and Great Britain, and in that case to grant a postponement until it shall have been decided, with all reservations, by those to whom it shall belong.

After the reading of these motions, M. Gast, the Avocat-Général, immediately asked for permission to speak in order to oppose them:—

Gentlemen, he said, against these motions we have to bring some interlocutory motions. We come forward to ask the Court not to allow them to be argued. These motions do not take us by surprise. From his first examination the accused asserted that he could not be tried in France.

The prisoner's honourable counsel had informed us of these motions, which are like pleadings, and the object of which is that the Court should declare itself competent to judge of the legality of the extradition, and collaterally grant a postponement.

In order to discuss the competency of the Court in this respect, we will examine the laws relating to extradition, the powers of the judicial authority, the rights of the individual delivered up, and the privileges of the French Government.

Penal laws are exclusively territorial; this principle is incontestable. Beyond the frontiers of each State penal laws are paralysed, and this is the principle behind which fugitive criminals shelter themselves: consequently, these criminals cannot criticize the force of the measures which have been applied to them beyond the limits of our territory.

How could French Magistrates judge of the legality of these acts? They could not do it either from the point of view of French law, nor in judging of foreign laws.

There is another reason still more conclusive, which disposes of the question of competency. The measures taken abroad were at the request of the French Government; and, moreover, culpable acts committed abroad are quite indifferent to us, and they are quite beside our judgment.

Lamirande was so well aware of the indictment upon which the warrant for his arrest was founded, that his American advocate has been accused of having stolen that document, and he made no protest when the warrant was served on him.

The Avocat-Général asked to what rule of law could recourse be had to support the claim to have Lamirande reconducted to the frontier.

Now we have to ask what are the rights of the individual delivered up? Has he a right to say that in his person have been violated the Conventions concluded between France and England? The motions pretend that he has; but was he a party to these Conventions? One or the other of these Governments can alone vindicate these rights. As for the individual person given up, from the moment he again sets foot in his country, he becomes simply an accused man who has to be tried.

The Avocat-Général quoted in his support Dalloz ("Traité International," page 184); "Decree of the Court of Cassation," 1852 (Morin, page 502).

But if acts committed abroad are matters of indifference to French justice, it is otherwise with the foreign Government. If in the extradition there has been fraud or violation of territory, even a *casus belli* may be the result.

Let us suppose that a foreign Government had cause to complain of such a grievance, to whom would it apply for redress? To a Court of Assize? Simply to ask the question is to answer it. The foreign Government will come direct to the French Government

to ask for redress; and take notice that this is the only Plaintiff which can be recognized through the medium of his Diplomatic Agents, extradition having no kind of right.

You assert that the Treaty has been violated; but for that you must have the Treaty interpreted. Can the tribunals do so?

Here is what I read in Dalloz, "Traité International," No. 152:—"The interpretation of Diplomatic Treaties is beyond the competency of tribunals, whether judicial or administrative," &c.

We have now to ask ourselves what the French Government will do if a claim of this nature is preferred. If it finds that there is foundation for the grievances, it will go before the Courts, and say through his Excellency the Keeper of the Seals, "I withdraw that man from your jurisdiction by right of the law of nations, which is superior to the rights of individuals."

In fact the Emperor, possessing the right of making Treaties with foreign nations, has the right of doing all that is necessary for the execution of those Treaties.

Moreover, when the French Government has obtained a surrender, it can go and say to the jury, "You will only try the accused on the charge of forgery, because we have obtained his surrender only on that charge."

In presence of that intervention alone justice will refrain.

But if instead of holding this language Government is silent, if these grievances appear to it without foundation, justice will take its course, recognizing but the legal rules of positive right. Possible consequences have no influence on justice. We place this perhaps rather bold opinion under the ægis of doctrine and jurisprudence.

An individual was prosecuted for forgery and the abduction of a girl under age (1845). He was delivered up from Tuscany only for the crime of forgery. The Law Court of Besançon decided that there was no case of forgery, but, on the other hand, that there were very grave suspicions of abduction of a minor.

The Court ordered that the individual should be arrested only for abduction, and that he should only be judged by default. The Procureur-Général filed an appeal against this decision, which was reversed in the Court of Cassation in the following terms:—

(*Decree, Court of Cassation,* 1845.)

THE Avocat-Général read that Decree and Dalloz' observations:—

"The indictment may be in violation of the Treaty, but the law takes its course; those are questions to be discussed between Government and Government."

This doctrine, a little too absolute perhaps, is contested by two decisions which I am going to read to you; and from which it follows that if an extradition has taken place without the intervention of either of the two Governments, the Law Courts would have the right of asking whether the Government recognized that proceeding and considered it regular. That, gentlemen, is the only reservation to be made. That according to our opinion is the doctrine which results from the only two decisions which can be brought against us. You shall judge for yourselves.

The Advocate-General then read an account of the Dermenon trial. (Dalloz, "Traité International," page 597.)

Do you not see in those facts a confirmation of the doctrine which we just now explained to you. In that case the Government had certainly nothing whatever to do with the extradition of the accused, and it was on that account that the Law Courts appealed to the Government and asked it whether it recognized the measures which had been taken.

The Avocat-Général quoted a Decree of the Court of Assize of Ariége of the 17th February, 1845 (Laugé case).

Me. Lachaud: That is the Decree which I refer to in my motions; it is of the 9th May, 1845.

The Avocat-Général, after having read that Decree, drew from it the same results as he did from the preceding document. The Sieur Laugé, ex-officiating priest, prosecuted for attempted rape, fled for refuge into the Val d'Andorre; he had been arrested by a French Justice of the Peace under the authority of the Syndic of the Republic of Andorre. The Cour Royale ordered a postponement to find out whether that arrest was recognized by the Government, which had taken no part in it. The Court of Cassation, in consideration of the suzerain rights of France over the small neutral territory of Andorre, decided that the arrest was legal.

That point settled, if, instead of remaining inactive, Government were to say to you, we have obtained the extradition of that man and assume the responsibility thereof, the law must take its course and is not to ask whether the extradition proceedings were in

conformity with Treaties, and it cannot even allow any debate on that subject, which is not within its province.

We have not received any instructions to follow the Counsel for the defence in regard to those numerous facts which they have enumerated to us to our great surprise, and which we should doubtless have no difficulty in answering if such were our business. But for us there is something that overrides all—a prerogative of the Government with which it is not for us to meddle.

The first Avocat-Général read several official documents proving that the French Government took an active and immediate part in obtaining the extradition of Lamirande, and amongst others a letter from his Excellency the Keeper of the Seals.

In that letter, said the Avocat-Général, the part communicating the facts is purely voluntary as far as the law is concerned; but what must be considered above all is the Governmental Act claiming for the French Government the responsibility of the extradition as against foreign Governments.

We should have finished if we were not bound, on account of that letter, to remind you that the Keeper of the Seals has declared that Lamirande should only be tried on the charge of forgery, unless he accept of his own free will the decision of the jury on the charges of breach of trust and theft.

This would seem to put us in contradiction with ourselves, since we maintained that the person surrendered in extradition could have no rights whatever to appeal to. That is a form of respect towards the foreign Government which only allowed the extradition of the accused on this charge of forgery; but the consent of the accused may do away with that prohibition, founded on respect for international rights.

The Advocate-General quoted the Decrees of 1851 (Virmaître decree), of 1852 (Darreau decree), and of 1865 (. . . decree), decrees which decide that measures of extradition are beyond all control of the judicial authorities.

The motions are therefore not admissible, and it is for the Court to declare its incompetency, and to order that no further proceedings be taken thereon.

The President: Maître Lachaud, it is for you to speak.

Me. Lachaud: Gentlemen of the Court, the motions which I have drawn up are not the work of Lamirande, they are the work of his Counsel. His Counsel decided to submit them to you, because they thought that though the defendant may be unworthy, though his crime may be odious, yet that behind him there is the law. Now, when the law is scandalously violated I have the right to complain and I do complain. The man whom I come here to defend has been stolen from England.

The President: Maître Lachaud, I cannot let that word pass. You are arguing, not for the jury, but for the Court, and upon the question of competency only. Please to recollect this.

Me. Lachaud: I have not forgotten it, M. le Président. I said that this man had been stolen from England because I have there a document which proves it, a decision of an English Judge, which I will not read out of deference to the Court, but which nevertheless exists, and proves to me as it will do to all when it becomes known, the truth of what I have advanced. I shall say no more on this point, and I hasten to answer the Avocat-Général.

The Counsel for the defence then read various Decrees of Cassation, which, refuting those pointed out by the Avocat-Général, lay down the principle, he said, that the accused always has the right of taking exceptions before the Court of Assize. Those decrees, added the Counsel, are corroborated by the opinion of M. Faustin Hélie, who thinks that the exceptions may have regard either to the legality of the Act of Extradition, or to the restrictive conditions of the Treaty which binds the two Governments.

M. Faustin Hélie maintained that in this matter, the Court of Assize has a discretionary power; he acknowledges completely my right of objection. Only as he foresees that there may possibly be grounds for diplomatic discussion, he says that in certain cases it may be necessary to suspend the proceedings. And since M. Faustin Hélie never touches on a subject without exhausting it, he adds that in granting the right of objection, the exception taken must be important, and of such a nature as to suspend judgment on the main points.

I am afraid that Lamirande is only looked upon as the criminal, as a man who inspires little sympathy. What has the individual to do with the question? Forget the man; instead of a crime of cupidity, to-morrow you may have to try a crime of passion, and the position of the Avocat-Général can no longer be maintained,—what would it be then if a political trial were in question?

I do not wish to press my argument any further; but do not forget, gentlemen, that

in this matter everything is important; a neighbouring people, a great people, are at this moment weighing our words; they should not find them falling short of that respect with which they are accustomed to surround those two grand bases of society, the liberty of all and the law for all. I persist in my motions.

Maitre Bourbeau, Advocate for the prosecution, declares that he took the side of the Law Officers, and rejects the motions with regard to annulling the extradition and with regard to the adjournment of the trial.

Maître Lepetit, one of the Counsel for the defence, replied, and in a warm and animated argument grounded on the opinion of MM. Dalloz and Faustin Hélie, and on the doctrine of the Decree of the Court of Cassation of 1845, maintained that the Court of Assize is competent to entertain the exception as regards the nullity of the extradition, not in the sense that the law would have the right to criticise diplomatic acts, but in the sense that it may inquire whether the forms laid down by international conventions have been observed, in other words, whether the law has been imposed upon.

The Court retired into the Council Chamber, to deliberate on the point.

At half-past 3 the sitting was resumed.

The President pronounced the decision, couched in the following terms:

"Seeing that by a Decree of the Imperial Court of Poitiers, Chamber of Indictments, dated the 29th May, 1866, the Sieur Surreau, called Lamirande, has been sent before the Vienne Court of Assize, under the triple accusation of aggravated theft, aggravated breach of trust, and forgery in commercial or in banking accounts;

"Seeing that in consequence of the said decree, an indictment has been drawn up by the Procureur-General, dated September 23, 1866;

"Seeing that those two documents have been communicated to the accused by the summons of the 24th of September, and that on the 24th of the same month the said accused was examined by the President of Assize, in conformity with the Articles 293, 294, 295, and 296 of the Code of Criminal Procedure;

"Seeing that from that time the case was in a proper form to be tried and has been regularly set down for trial at this session;

"Seeing, nevertheless, that the Counsel for the defence of Lamirande have by the motions submitted at the sitting, demanded of the Court to pronounce the extradition of the accused invalid, and quite collaterally, to put off the trial of the case until a decision be come to by the competent authority as to the validity of that extradition;

"Seeing, that in the matter of fact, it follows from the documents in the case, and especially from the ministerial despatch of the 25th November, 1866, that on the demand of the French Government, Lamirande, put under arrest on an indictment comprising charges of forgery in commercial or in banking accounts, was placed by the Government of Canada, where he had fled for refuge, at the disposal of the French authorities;

"Seeing that immediately after the extradition had taken place, the Imperial Government itself delivered the accused into the hands of justice, in order that he might answer before a competent tribunal for the crimes of forgery in commercial or in banking accounts, the crimes upon which the demand for his extradition were founded;

"Seeing, that in the matter of law, Treaties of Extradition are high administrative acts agreed upon between two Powers in the general interest of morality and social security, that the forms and conditions thereof are regulated not for the advantage of the persons accused, who cannot by taking refuge abroad obtain impunity for themselves from the law of their own country, but by the consideration of the international requirements or of the mutual observances of the Governments;

"Seeing that the fundamental principle of the separation of authorities is opposed to the possibility of the French Courts of Law interfering in regard to the interpretation and the application of the acts of the Government which gives up the accused to their jurisdiction;

"Seeing that by the very fact of delivering an accused person into the hands of his natural judges, the Imperial Government confirms the regularity of his extradition, and that that decision, which lies within the exclusive jurisdiction of the Executive authority, cannot be the subject of any appeal;

"For these reasons, the Court rejects the motions, both principal and collateral, drawn up by Lamirande's Counsel, and decrees that the trial be proceeded with."

The President.—Prisoner, you have heard what has been said. You need only answer as to the facts relating to the forgeries. Are you willing to answer to all the other charges recorded in the indictment?

Lamirande.—I am ready to answer as to all the facts.

Me. Lachaud.—I cannot allow my client to commit himself on that ground. I

maintain that the letter of the Keeper of the Seals could only cause Lamirande to be sent before the assizes for the crime of forgery. No one can have a right, the Keeper of the Seals no more than anybody else, to violate the law.

The President.—It is for that reason that I consulted Lamirande, leaving him his full liberty of action.

Me. Lachaud.—I persist in my protest, M. le Président, and, if necessary, I will make some very precise motions in order to define it clearly. Lamirande does not understand the consequences of his acquiescence; it is the business of his Counsel to make him understand them. I ask only for a delay of five or six minutes in order to draw up my motions.

Me. Lepetit.—I entirely concur in and adopt the observations of Maître Lachaud, and I unite with him in asking for time to write out our motions.

After being suspended for a few minutes, the sitting was resumed.

The President.—Prisoner Lamirande, I repeat what I have already asked you, do you consent to be tried on all the charges brought against you?

Lamirande.—I have neither to consent nor not to consent.

Me. Lachaud.—Here are the motions, which I submit in Lamirande's name:—

"Seeing, that Lamirande has been remitted to the Vienne Court of Assize for trial on the triple charge of embezzlement, of aggravated theft, and of forgery in commercial or in banking accounts;

"That the Decree has been communicated to him, and that he appears before the jury on that triple charge;

"Seeing that it cannot be in the power of any one to divide or to suppress a part of these several counts of indictment;

"That Lamirande has not either to consent or not to consent to be tried for the crimes brought against him of breach of trust and aggravated theft, but that it concerns him that the jury should be called on to settle the whole charge;

"That if it is true, as has just been laid down by the Court, that Treaties of Extradition can never be interpreted by Courts of law, it is inadmissible that there should be, on their account, the power of modifying a charge before the Court of Law where the case has been regularly brought;

"Seeing that the letter of the Keeper of the Seals contains only the instructions given to the Attorney-General, and could not in any way impede the carrying out of a decree of the Chamber of Indictments;

"For these reasons that it be ruled that all the counts of the indictment be submitted to the jury."

Maître Lachaud, after having read these motions asked leave to argue them.

The President: The Avocat-Général, perhaps, has also some requisitions to make?

The First Avocat-Général: In fact, we require that the Court may be pleased to separate the facts relating to the fraudulent abstractions, and to the embezzlements, and to order that Lamirande shall only be tried on the facts relating to the forgeries.

After Maître Lachaud had argued his motions, and the first Advocate-General had maintained his requisitions, the Court deliberated again and passed a second decree which rejected the motions of the defence, and decided in favour of the requisitions of the Law Officers.

The President: Here, gentlemen of the jury, your part begins, hitherto you have had nothing to do with the various points which have arisen during the discussions; they were within the exclusive cognizance of the Court. Now, gentlemen, it is for you to decide on the rest of the arguments, bearing in mind that in conformity with the decree which the Court has just passed, you have but to consider and determine, exclusively, the charges relating to the crime of forgery in commercial or in banking accounts: all the other charges having been set aside by the decree.

It is the Law Officers' turn to speak.

The First Avocat-Général: Gentlemen of the Jury—the importance of this matter, and the circumstances no less important which are connected with it, make it necessary for me to address you in order to explain how the case stands.

Lamirande had been sent before you to answer six distinct counts of indictment; but as the President has just explained to you, and that in conformity with the decree just passed by the Court, you will only have to take cognizance of charges relating to the forgeries. You understand, nevertheless, though you may not be called upon to decide on the whole of the original charges of the indictment, that I must give you a complete statement of the facts.

The Avocat-Général, after having explained that the branch of the Bank of France at Poitiers was founded in 1858, and that from that time Lamirande was appointed cash-

keeper, reproduced, with remarks thereon, the facts alleged in the indictment. He gave some details respecting the way in which the current cash account was kept; he described the cellar where the silver specie was locked up, the bags which contained this specie in sums of 1,000 francs, their size and shape, as well as those of the sacks in which they were stowed when a large remittance of silver had to be made.

The Counsel for the prosecution explained afterwards how Lamirande was able to purloin considerable amounts of silver as well as of gold specie. He maintained that the purloining could only have been effected by Lamirande in his own office, where he often found himself alone and without control. In fact, that he could not have purloined any of the silver specie after it had been taken down into the cellar in bags of 1,000 francs, as he never went alone into the cellar; there were three keys to open it, and three employés of the bank were necessary to effect the opening. It was, then, in his own office that Lamirande abstracted 200 francs out of each 1,000 francs bag, taking care to reduce the size of the bags; afterwards, when these bags had been taken down into the cellar, and the doors were shut, it became impossible to guess by whose hands the fraud had been committed. Lamirande acted with great skill in thus conducting his operations; he made it impossible for the bank to discover the guilty party; and if he had not discovered himself by his flight, no one knows who might have been suspected in regard to the silver specie locked up in the cellar.

With regard to the gold specie, said the Avocat-Général, it is known that he replaced by paper the weight of the coin which he abstracted. The Avocat-Général finished by recalling to mind that it was to conceal these defalcations, both in silver and gold, the total of which amounted to more than 700,000 francs, that he committed all the forgeries which the indictment imputed to him.

After calling over the witnesses, to the number of nine, the sitting was adjourned to the next day.

Sitting of 4th December.

Yesterday's sitting, which was entirely occupied by points affecting questions of law, could but little interest the audience; nevertheless the public excitement had not subsided, and the crowd to-day, desirous of securing places in the Hall of the Assizes—a rather small one—was not less considerable. The first row of seats in the gallery over the principal entrance, reserved exclusively for the use of ladies, was quite full. Reserved places on the right, on the left, and behind the seats of the Court, were occupied by magistrates, public functionaries, and officers of rank.

Proceedings were commenced by calling over the names of the witnesses, nine in number, who were conducted to the room set apart for them.

Examination of the Accused.

The President.—At what date were you appointed cashier of the Branch Bank at Poitiers?

Lamirande.—Eighteen months before the creation of that branch, which was established in August 1858.

Q. Tell us in what your functions consisted.—*A.* To receive into and to pay out of what is called the current cash; the surplus of the current cash went to the auxiliary chest, and thence to the cellars.

Q. You were not the only person who held the keys of the cellars and the auxiliary chest?—*A.* No; I had one of the keys, the director had the other.

Q. When did you begin to abstract funds from the safes (the cellar)?—*A.* I think it was at the beginning of 1862.

Q. There were also defalcations in the current cash; when did you begin them?—*A.* On the 12th of March, 1865, and I have carried them on since; but I was always hoping to substitute for the bags of gold of the current cash, bags of silver, which I should have had taken to the cellar.

Q. But to substitute is not to restore?—*A.* I know that; I had no hope of restoring, but I wished to delay as much as possible the moment when I could be found out, and that is why I was always endeavouring to cover the deficit in the current cash, which might be checked any day, whilst so long as the deficit only existed in the specie deposited in the cellar I could hope that my deception might last for ever.

Q. It has been remarked that the bags in the cellar which had been tampered with were placed under the others; that is quite certain, for bags were found with the stuff rotted, which leads to the supposition that they had been there a long time?—*A.* I did not take that precaution; the rotten bags may have become so in a short time on account of the temperature of the cellar.

Q. In short, you acknowledge that for the past three years or three years and a-half you used to take from the reserves in the safe, and that since March, 1865, you have also embezzled from the current cash?—*A.* I acknowledge it.

Q. With regard to the rouleaux of gold, you went to work in this manner: you opened a rouleau, you took out several pieces of gold, and you replaced the weight of these pieces by paper in such a way that if these rouleaux had been weighed without being opened, the weight would have been found correct within about a centigramme. That shows long practice. How much time did you require to tamper in this way with a bag of gold containing 20,000 francs?—*A.* About ten minutes.

Q. That appears impossible, you must surely have devoted more time to it?—*A.* If I took more than ten minutes, I did not take a quarter of an hour.

Q. What number of bank notes did you abstract from the cash in use?—*A.* I do not clearly remember whether it was 465,000 or 485,000 francs.

Q. I am about to ask you a very important question which I beg you to answer frankly. What have you done with the sums of money you carried off with you?—*A.* I spent them first of all in travelling. I bought some clothes. In England I gave an interpreter 7,000 francs. Then I had travelling expenses amounting to 3,000 or 4,000 francs. I spent a great deal in London, passing whole nights without sleep, nine nights running. It is impossible for me to say how much money I spent during that period. On my passage from England to America I lent 6,000 francs to a Canadian who was going home. This sum he has restored to the bank.

The President.—Let us not speak of what has been restored. What have you done with the remainder of the 465,000 or 485,000 francs you took with you on your departure?—*A.* I gave 191,000 francs to my lawyers at New York.

Me. Lachaud.—Those fellows are not lawyers.

The President.—New York lawyers.

Me. Lachaud.—They do no not deserve the name. They are complices in the robbery.

The President.—What has become of those 191,000 francs?—*A.* They were to keep 135,000 francs as reserve for me, in case I had put in the plea of extradition, or to return them to me. They have returned 25,000 francs and the rest has remained in their hands.

Q. What have you done with the remainder of the sums carried off?—*A.* I spent 10,000 francs among women. I squandered, I gambled, I paid heavy debts.

Q. Who robbed you?—*A.* I cannot say. The thieves could not be got at without affecting innocent persons.

Q. Why gamble, since you had large sums of money at your disposal?—*A.* It was known that I was not rich. I had large expenses. I gambled in order to induce the belief that I was winning a great deal, and that I found in my gains at play the means of meeting my expenses.

Q. You say that you paid your debts, and yet that they are far from being got rid of?—*A.* That is true; but if there still remain debts amounting to about 30,000 francs, I have paid away on this account sums of much greater amount.

Q. Do you acknowledge that for nearly three years, with the object of concealing your defalcations, you have falsified the bank returns?—*A.* The returns are not incorrect. These returns would rather serve to ruin me than to disguise the truth.

Q. I know that; but it is not the question I put to you. I ask you whether on inspection of those returns, the cash deficit could be suspected?—*A.* Certainly not. But the state of affairs shown in my returns would be correct were nothing missing from the coffers. My crime commenced with the defalcations, but not when I drew out my returns.

Q. But which, nevertheless, served to conceal your embezzlements?—*A.* That is not my opinion. I add that, in making up these returns, I do not consider that I committed forgery either in commercial or in banking accounts.

President.—That is a question of law which you must leave to your Counsel. Call a witness.

Me. Lachaud.—I beg your pardon, M. le Président. Will you allow me to say a word.

President.—I do not think this is the right time, Me. Lachaud.

Me. Lachaud.—I insist, M. le Président; it is my duty to insist. What I have to say is very important.

President.—Your client has been examined on a point to which he would not reply. We cannot allow his advocate to reply for him.

Me. Lachaud.—I do not wish to undertake to reply for him. What I have to say can do no harm to him or any one else. I have here 110,200 francs (Me. Lachaud placed before him a packet in a paper envelope). I wish to give them up. I do give them up,

and until they can reach their destination by way of restitution, I place them in the hands of Me. Bourbeau, counsel for the prosecution. (Applause in the body of the hall.)

Me. Bourbeau.—I am not empowered to receive them. They had better be placed in the hands of the Director of the Bank, who will give a receipt for them.

Me. Lachaud.—There is no need of a receipt.

(The Director of the Bank opened the parcel and took charge of the bank notes inclosed in it.)

The President to Lamirande.—There is still missing about 120,000 francs. What have you done with that sum ?

Lamirande.—I can only give the same answer as before ; I cannot say.

Me. Lachaud.—I should add a few words in explanation of this restitution of 110,200 francs. A hint was given us, to Me. Lepetit and to myself. We followed up the tracks of the robbery. Every place was searched, even the house-tops. We asked Lamirande if he would give us the name of the woman to whom he had entrusted this sum : "No, no," said he, "I will die first. That person has herself been robbed, and I will not have her compromised."

We then devoted ourselves to this object, and we recovered the 110,200 francs which I have just given up. I must add that Lamirande never had this sum in his possession ; and that if he had asked us for it, we should not have given it to him. (Sensation in Court.)

The President.—Call a witness.

Examination of Witnesses.

The first witness examined was M. Dubois de Jancigny, Inspector of the Bank of France, the same who accompanied the workman who was sent to Poitiers for the purpose of opening the upper compartment of the current cash, the key of which Lamirande had carried off.

This witness confirmed all the details given in the indictment as to the verification of the deficit discovered after the departure of Lamirande.

The President.—Is it obligatory on the cashier to furnish a daily Return showing the state of the cash ?

Witness.—Nothing is more obligatory ; it is by these branch Returns that the Bank of France fixes the rate of discount. The duplicate of this Return is entered in a book kept at the Branch Bank.

Maître Lachaud.—Are the instructions of the Bank the same for all the branches as far as relates to making a duplicate of the daily Return ?

Witness.—I think they have been the same for the last three or four years ; formerly copying the Return into a bound book was not obligatory, although it was required by the directors in several branches.

The President to the Witness.—It is shown by the confessions of Lamirande that your anticipations were well founded, inasmuch as the first embezzlements go back for more than three years. Now tell us whether he could have effected these embezzlements without rendering false accounts.

Witness.—It was the necessary consequence of the embezzlements ; without the falsified Returns in would soon have been discovered that there was something amiss in the cash ; there would have been an examination, the fraud would have been discovered, and Lamirande would have been arrested.

Q. Lamirande pretends that the daily Returns, far from facilitating his embezzlements, made discovery more easy ; for, he adds, by comparing the Returns with the state of the cash, an account might have been taken—simply weighing the money would have been sufficient.—*A.* This argument would be valid if suspicion had been entertained ; but the Returns by concealing the deficit, could not but aid the deception.

Q. Lamirande acknowledges the embezzlements—his reason is apparent ; he is not prosecuted upon those counts, but he denies the forgery for which he is prosecuted—his tactics are understood.—*A.* In my opinion the two facts, that of embezzlement and that of forgery, cannot be separated ; the one came to the assistance of the other.

Q. Explain to us the nature of the responsibility of the cashier, both as regards the current cash and as regards the money in reserve.—*A.* With regard to the current cash, which is in the cashier's office, the responsibility falls personally and solely upon him. It is not the same as regards the funds in reserve (in the cellar or the safe) ; here the responsibility is divided between two persons, the director of the branch, who has one key, and the cashier, who has another.

Q. Is it not in consequence of that divided responsibility that the late Director, M. Bailly has been replaced ?—*A.* Yes, M. le Président.

M. Bailly, who has been for fifty-two years a landowner at Angers, late Director of the Branch Bank of Poitiers, was called to the bar.

The President.—Tell us what you know.

M. Bailly.—Gentlemen of the Jury, on the 11th of March last, I received an order from the Bank of France to dispatch to the Angoulême Branch, first 1,000,000 and then 500,000 francs. The same day I gave directions to Lamirande, my cashier, to dispatch on the next day, the 12th, the 1,000,000 francs, and to make preparation for the dispatch of the 500,000 francs on the 13th of March. The issue of these orders brings us to the 13th of March, on the morning of which day I received a letter from M. Lamirande, informing me that he had been suddenly obliged to go to Châtellerault, leaving to M. Queyriaux, Chief-Accountant, his keys, and the duty of dispatching the 500,000 francs to Angoulême.

Here the witness entered into the details given in the indictment, of the discovery of the frauds perpetrated in the bags of silver destined for Angoulême, and, at a latter period, in the bags of gold. In the bags of silver 200 francs were uniformly missing per bag; in the bags of gold, the weight of the abstracted coin was replaced by an equal weight of silver coin and paper. These frauds could never have been committed either in the cellar or in the safe; it must necessarily have been in his office that this operation was performed and when the bags were thus altered, but weighing their proper weight, the attendants carried them into the cellar or to the safe, and the doors once closed Lamirande was out of danger, for from that moment the responsibility was divided between him and me. I never intrusted my keys of the reserve to Lamirande, in whom, however, I had the greatest confidence.

The President.—The cashier then was personally responsible for his current cash; and as regards the reserves you shared the responsibility with him?

The Witness.—Yes, M. le Président, this is the case in all the Branch Banks. I was myself for a long while cashier in a branch, and was responsible for my current cash.

Q. How is it that Lamirande was able to continue his embezzlements for more than three years, which is proved in the first instance by his confessions, and secondly by a certain number of the bags found in the cellar being so old?—*A.* The cashier has the superintendence of the movement of all funds. When we went down to the reserves he it was who pointed out the divisions from which the bags to be sent away were to be taken. It is quite natural that he should take care not to point out for removal the bags which had been tampered with. To have interfered with his directions suspicions must have been entertained of him.

The President.—Prisoner, what have you to say on this deposition?

Lamirande.—Nothing, M. le Président; except to express to M. Bailly my profound regret for the consequences which have been entailed upon him by my conduct.

Q. These regrets have come very late. When on the 13th of March you had so well prepared your flight, you did not think of the responsibility which would fall upon him by your carrying off more than 400,000 francs from your cash?—*A.* I did not prepare for my flight, I yielded through necessity; I had the choice of suicide or flight.

Q. But not with 400,000 francs?—*A.* I might have taken 5,000,000. (Sensation.)

Q. So your discretion is to be praised then?—*A.* I do not look for praise, but I wish to state that in the dire necessity in which I found myself, I could not leave with empty hands; but that if I had been a thief, I should have taken all that I could lay hands on.

M. Bailly gave evidence in confirmation that the falsified returns of the state of the cash delivered to him each day by Lamirande, could not but lull him to confidence and aid in the continuance of the embezzlement.

M. de Grétry, Treasurer and Paymaster-General at Poitiers.—I have been receiver at Vienne since 1865, and inspector ("censeur") of the branch bank of Poitiers. It is in this latter character that I have had occasion to have some relations with Lamirande. I do not know him personally, nor am I aware of his antecedents.

On the 13th of March last, I was sent for to the bank by the director. There I was informed that owing to the dispatch of 500,000 francs in silver to Angoulême it had been discovered that a great number of bags did not contain the sums which they ought to have held, and that the cashier, Lamirande, had written in the morning to the director to say that he had left suddenly for Châtellerault, and had left the keys of the cash with M. Queyriaux, chief accountant, at the same time begging him to undertake the dispatch of the 500,000 francs to Angoulême. I at once got M. Bailly to go and make a declaration before the Procureur Imperial, where I accompanied him. An express was also sent to the bank requesting them to send an inspector and a workman to open the upper compartment of the current cash, the key of which Lamirande had carried off.

The remainder of this witness's deposition only refers to what is already known.

M. Lambert, manager ("administrateur") of the branch at Poitiers, formerly a magistrate, was called to the bar.

The President.—Several witnesses have already deposed to the facts of which you are called to make your declaration. We request you to sum it up in as few words as possible.

M. Lambert, in fact, only confirmed what had been said by the previous witnesses, as well upon the working of the accounts of the branch, and the removing of funds, as upon the responsibility incumbent on the cashier, and the circumstances which led to the discovery of the frauds.

The President.—Have you been long manager of the branch?

The Witness.—Since its formation, M. le Président.

The President.—Have you sometimes verified the cash?

The Witness.—Never, M. le Président, except on the 13th of March, when I was called upon to do so after the flight of Lamirande.

Q. What are the duties of the manager?—*A.* Solely to assure himself of the solvency of persons who present bills for discount.

M. Queyriaux, late chief accountant of the branch, banker at Poitiers, was called.

The President.—You are called before us, Sir, to give us some information on the management of the accounts of the branch.

M. Queyriaux, after having referred to the facts which preceded and followed the flight of Lamirande, added: With regard to the accounts this was the arrangement: M. Lamirande, as cashier, gave me the papers; I entered the accounts in my books, and in the evening I checked the balance of my account by that of his cash-book. It was necessary that the two balances should agree, and they always did so.

The President.—But in order that Lamirande's balance should correspond with yours, it must necessarily have been false.

M. Queyriaux.—Doubtless, but I was not aware of the falsity.

Q. How did Lamirande conduct himself at Poitiers?—*A.* I was perfectly ignorant on the subject. It is only since his flight that I have become aware that he spent a great deal of money.

Q. It is said from 60,000 to 80,000 francs a-year?—*A.* That is what I have heard said, but only since his disappearance.

Q. And of what nature was his expenditure?—*A.* I have been told that he gambled away a great deal.

Q. Sixty thousand francs, it is stated, at one time, either at Angoulême or at Angers?

Lamirande.—I have never been at Angers; and nowhere, not even at Angoulême, did I ever lose 60,000 francs.

Me. Lachaud.—It matters little. What is certain is, that you have played and lost a great deal.

Lamirande.—I own it.

M. Maréchal, a clerk at the branch bank, who had to go to the railway with the 500,000 francs dispatched to Angoulême, and who, on weighing the bags, found out that from 55,000 to 60,000 francs must be missing, confirmed these facts.

M. Sarrault, attendant in the cash department of the Branch Bank, and Barry, the doorkeeper, likewise went with the 500,000 francs. Both confirmed the facts stated by the clerk Maréchal. Sarrault, who besides being an attendant in the Cash Department, was at the same time Lamirande's private servant, added that the day after Lamirande's flight, on going into his room, he remarked that papers had been burnt in the grate.

The President.—Lamirande, what papers were those?

Lamirande.—I had destroyed acknowledgments for money which I had lent.

The President.—I do not understand; what! burn acknowledgments for money lent?

Lamirande.—I was completely bewildered.

The President.—Not so completely; all the preparations you made for your flight prove the contrary.

Lamirande.—I declare that I was bewildered; the whole of my conduct after my flight leaves no doubt of it.

Maître Bourbeau, counsel for the Bank of France, was called on to speak for the prosecution.

Me. Bourbeau.—I appear before you on the part of the Bank of France, to defend great interests, interests moral and material, for which, as regards the latter, some reparation has been commenced.

The story of Lamirande is a sad one. You are not called upon to punish in him a mere deviation, a moment of forgetfulness, but a long series of misdeeds, a perseverance in evil which might be called incorrigible; no remorse, no twinges of conscience, ever hindered him; in three years he has squandered 219,000 francs, and that by means of daily tricks. How does he explain them? By his passion for play. Gambling is not an excuse, it can be but an explanation. A day arrives when he can no longer continue his embezzlements, and he takes flight, without considering that he leaves behind him disconsolate families, his own and that of his unhappy Director. He departs; it is not to his own family that he goes to bid farewell, but to two women of that town, upon whom he rains down Danae's golden shower. Let us for a moment follow him: he leaves Poitiers; he goes first to England, then to English America—to Canada. There he becomes the subject of a demand for extradition on the part of the French Government. An incident happens——

The President.—Do not touch upon the question of extradition. You are aware of the decision passed by the Court yesterday.

Me. Bourbeau.—I only wished to say two words.

The President.—Not even two words, Maître Bourbeau. Be good enough to pass that over.

Me. Bourbeau.—Well, let us say nothing about the extradition; let us also be silent on the subject of the robberies, fraudulent abstractions, and embezzlements; and since henceforth he can only be prosecuted for forgeries in commercial or in banking accounts, let us discuss the question of forgery. Can there be a doubt as regards this crime after the explanations which have resulted from these discussions? We do not hesitate to declare that, as far as we are concerned, there cannot be the shadow of a doubt. He made false returns of the state of his cash; that is proved, and he confesses it. With what object? With the sole intent of seeking protection from the consequences of his embezzlements by falsifying his accounts. When, therefore, he showed by his accounts the existence of so many bags of 1,000 francs, whilst a great number of those bags only contained 800 francs each, did he not commit forgery? See him in his office, whether abstracting 200 francs from bags of 1,000 francs each, or transforming rouleaux of gold into rouleaux of silver, and having these effects taken to the cellars, there is the robbery, there is the embezzlement. But afterwards, what does he do? He takes his pen, and enters in his cash-book and his returns sums which exist no longer, since he has embezzled them. And shall not that be called forgery, and why? Is not the Bank of France a commercial Company? Does it not trade in the value of gold and silver? Was not Lamirande the clerk of a commercial Company? To all these questions the answer can only be in the affirmative. No, it cannot be said that for three years a cashier can have written a false account of a deficient balance in hand, and yet not be a forger.

See what were the consequences of these forgeries. By the aid of these forgeries he was enabled to pass from the current cash, of which he had the sole responsibility, to the cash in reserve, the responsibility of which was divided between him and the director, a sum of more than 200,000 francs, and this is how the upright director, M. Bailly, rests morally responsible for that sum which he never received.

Entering upon the question of law, the Advocate quoted a decree of the Court of Cassation of 1841, which declares that false entries made by a clerk in commercial books constitute a forgery in commercial accounts. The case cited, relates to a clerk who entered as sold, in his master's books, goods which he had stolen.

The Court of Cassation ruled that that constituted a forgery, in as much as the false entries concealed the truth and, moreover, were calculated to mislead the merchant as to the true state of his affairs. In this case, as well as in the one which we are discussing forgery is a means of concealing robbery, either committed or about to be committed.

Gentlemen, I have ended my address, and I have demonstrated the injury which may be caused by false accounts in commercial business. Lamirande was a thief, he was necessarily obliged to become a forger. By these forgeries he has been the cause of a triple injury to the bank: first, an injury in regard to money, then a second injury in leaving it ignorant of the true state of the Poitiers branch, ignorance which hindered it from apportioning its funds where they could be of service, and lastly a third injury, that caused to a superior officer of the bank, the upright M. Bailly, who, even after the loss of his confidential employment, rests under the stroke of the moral responsibility of part of the misdeeds of his faithless cashier.

I have accomplished my task. The proverbial honesty of fair Poitiers has experienced a cruel blow. For three years an individual has laboured secretly to inflict upon it this cruel injury; but as is invariably the case, justice, supported by public opinion, has discovered the criminal, and to-day he is handed over to you. Gentlemen, you will do him justice,

for I know that your decision will be guided by the conscience of the judge and the indignation of the citizen.

The sitting was postponed till the next day at half-past ten.

Sitting of December 5.

The sitting commenced at 11 o'clock amid the excitement caused by the incident which led to the restitution of the sum of 110,200 francs.

M. le Premier Avocat-Général Gast commenced and expressed himself as follows:—

Rarely in a criminal case has the day of trial been more anxiously desired, more impatiently looked for than in this one which is now submitted to your judgment. It is not that this case involves one of those atrocious crimes which spread consternation and terror through society; yet without possessing this fearful importance this case has the sad privilege of having raised public indignation to the highest point. Let us state at once that this indignation does honour to the human heart. It is, in truth, one of those spectacles that are revolting to the feelings of our nature. Public opinion has been outraged by Lamirande's crimes; at an age when the powers of his mind had reached their full maturity, Lamirande was placed in a confidential position which entrusted immense riches to his care. The severity of the precautions as well as the sentiments of honour and delicacy which he had imbibed in his respectable family, seemed to be a guarantee for the fidelity of his conduct.

What has happened? Lamirande found himself one day hesitating between the desire of yielding to his ignoble instincts and the duty of respecting the treasures entrusted to his care. It so fell out that avarice prevailed over duty. Lamirande crossed the abyss that lay open before him, and after having laid a guilty hand upon the treasures of which he was the guardian, he became a forger. Once engaged in this criminal course, the accused persisted in it up to the time when his crimes were discovered and Lamirande crowned them all by one yet more heinous. He wished to assure himself a rich independence abroad in order to continue the debaucheries to which he was accustomed.

But the Government felt that it was indispensable to seek the extradition of Lamirande. Ah! If to cross the frontier were sufficient, the greatest criminals might count on social impunity. Hence the principle of extradition is daily gaining ground. Our most eminent statesman has said "Extradition is a reciprocal guarantee against the ubiquity of evil."

You are, however, aware of the scandal which has arisen in the foreign country where he took refuge. You know how Lamirande, by means of the gold which he had stolen from the Bank of France, was enabled to hire a whole host of instruments who set about quibbling over the conditions of the Treaty. Having taken refuge in Canada, he was at length delivered up to France, and now Lamirande awaits the just chastisement which he has incurred. We do not ask for vengeance, but for justice.

You are aware that Lamirande can only be tried by you for the crime of forgery. You have been told that this criminal has been suddenly touched with the spirit of repentance. You are promised that if he is acquitted upon the charge of forgery, he will come and offer himself up as holocaust on the other heads of accusation.

Let us suppose that this is not a forensic stratagem; let us suppose that he may be willing to be tried hereafter for the crimes of robbery and abuse of confidence, that would be no reason for acquitting him upon the question of forgery. In fact, in our eyes, the crime of forgery is clearly proved.

What!—there is no crime of forgery in this case? Here is a cashier who every day abstracts money from his cash—who daily certifies to his Chief in his accounts that all is correct; the accused was carrying on criminal operations in his cash without reproducing them in his accounts. The accounts are and ought to be a photograph of the cash. This is dictated by common sense.

During yesterday's sittings you heard a magisterial demonstration of the existence of the forgery, There is, first of all, a consideration which is of serious importance. A criminal procedure previously to its coming before the assizes has to undergo a double test: first, the preliminary examination; then, if the deed amounts to a crime, the procedure is submitted to the Imperial Court, the Chamber of Indictment. This course has been followed in Lamirande's case.

After having passed in review all the different phases of the procedure, M. l'Avocat-Général examined into the character of the forgery as regards the law, and applied its principles to the facts of the case. He then drew attention to the enormous injury occasioned to the Bank of France.

Lamirande has precipitated his father into the depths of despair; he has dishonoured his name. But chastisement was not long in overtaking him. He received reproof even

from that shameless creature whom he kept, who was living by prostitution, and who, on learning his arrest, said: "That man has no heart; I thought he loved his father and mother: he loves no one."

Never has a prisoner appeared before a jury with such an accumulation of crimes. He has accomplished these crimes with unrivalled intrepidity and assurance. His coolness never abandoned him, and everything shows the premeditation of the accused.

What was his motive of action? His motive was the most vile, a thirst for the basest enjoyments, the most ignoble lusts, not to mention the pleasures of the chase, the excitement of the gaming-table was necessary to him; he required the refinements of the most shameless luxury. This finished debauchee must needs have two expensively kept mistresses.

Expatiating on the circumstances attending the restitution of the 110,200 francs, M. l'Avocat-Général said that it was meant for theatrical effect. That restitution was the act of a thief who, finding that he is pursued, abandons a portion of his booty in order to save the rest. Lamirande would fain contrive to reap the benefit of extenuating circumstances, but the accused is unworthy of it, and the jury will show him no pity. The crimes of the accused have resounded everywhere; the penalty should fall on him in all its weight. You will assure to society, to public conscience, the reparation which is their due.

Me. Lachaud, Lamirande's counsel, expressed himself as follows:—

We, on the side of the defence, have ever recognized the gravity of this case. A cashier who forgets his duty, who betrays the confidence reposed in him,—nothing is more serious. We should not deserve to be French advocates if we did not agree with those who administer the laws on all that touches honour, probity, and loyalty. But in order that justice may be impartial, she must take every thing into consideration; she must weigh everything with the greatest care. Justice is the most important thing in the world, for it belongs to God. But after having acknowledged the enormity of the crime, you must take account of the accused, of his life, his weakness, his unheard-of sufferings. Unless you take all this into account, it will be not justice, but vengeance, which M. l'Avocat-Général desires no more than I do.

The wretched man whom I defend is 42 years of age. Of his family I will say nothing. Who is there here who does not know that everybody pities, esteems, and loves his venerable father, whom God has allowed to live too long, since he witnesses the dishonour of his name? I will not speak to you of his pious mother, nor of his brother—a most worthy man. The wretched Lamirande stands before you under the weight of a terrible accusation. Let him accept this new indignity, and let it be to him the most ineffaceable of misfortunes. When the storm lowered over this unhappy family, people were considerate towards them; I mention the fact as an honour to the country. Alas! Lamirande knew not how to be a son worthy of those good people. His youth was marked by deviations, by follies, by prodigality; and when, in 1858, he was made a cashier, he owed more than 50,000 francs. The wish to benefit this young man led, perhaps, to the commission of an imprudence.

The cashier should be a man of unassuming habits, of frugal life. He is the most perfect representative—he ought to be so—of accuracy and modesty. That man who will see open before him the treasures of the Bank of France, he will struggle for a long time; when he shall succumb you will call him a criminal. Ah, these treasures ought not to have been entrusted to him.

Up to 1862 Lamirande's conduct had been irreproachable. His small debts increased. He did not, indeed, indulge in the luxury, but in the disgrace of two mistresses. One of them I pity; of another I do not speak, and for her I leave to M. l'Avocat-Général the right of expressing all his contempt at his ease.

One day when he was harassed on all sides in the midst of his engagements, there was a deficit; he was short of 5,000 francs. That is not much in accounts such as those of the Bank of France. Distressed, not daring to impose a new sacrifice on his family, he committed a theft: the abyss was opened. When the first step in this path has been taken, wickedness strides on, evil urges us forward, we become its slave. That is what happened to this wretched man. After having provided for the deficit, he paid his debts; he gambled, he reckoned on good luck, he lost, and after having lost 100,000 francs, from fault to fault, from fall to fall, he at last took to flight, as you know.

This terrible affair will serve as a great example for all cashiers. The facts of the case show that Lamirande's precautions were ridiculous. He cut open the bags, he replaced gold by silver, but examination was possible; he was at the mercy of the first serious inspection.

You recall to mind Lamirande's flight; going in his uneasy conscience to seek a refuge in Canada, betrayed on all sides. His sufferings were so severe, that I ask myself

whether it be not preferable to stand at that bar of infamy. When he was taken into custody in Canada, how much think you he had left? Eighteen francs; he who carried off half a million. And when he wrote to those men, whom I certainly shall not call lawyers, for a small sum, he received no answer.

These are the miseries which he has experienced. When he came back to France in rags, the Police Agent was forced to lend him clothes to enable him to embark in the boat which brought him into France. Alas! what a lesson! I might speak of yesterday's incident. We might ask ourselves, my colleague and I, how we have been benefited by the restitution made in Court yesterday, if the Counsel for the defence were not men of upright character (for which we thank nobody), there might be danger in acting as is right. No, no, M. l'Avocat-Général, we did not want to produce a theatrical effect. The money was handed into Court because we did not think it proper to give it up sooner. If we restored that money, it was because we, and not Lamirande recovered it. Let me say to my colleagues at the bar, that which we have done with heart and honour, you would have done likewise; but many sleepless nights you would have passed in consequence. These are the facts: I, gentlemen, am proud of them, and my colleague Lepetit is as proud of them as I am. We in France are not Yankee lawyers. Three heads of accusation have been laid to the charge of Lamirande—theft, embezzlement, and forgery.

The Counsel, after having laid aside the two first heads, examined the legal character of forgery.

Article 147 punishes (why should I not say so? there is nothing that I am aware of to prevent it), Article 147 of the Penal Code punishes the crime of forgery with penal servitude for a term. But where do you find perversion of the truth? The cash-book is correct; the returns include the amount of capital in all the coffers of the Bank. Now, you are aware that there were three divisions of the cash. The Accountant's documents alone served to make out the return. As to the cashier's accounts they were right. But where is the obligation, the dischârge? Show me the engagement in favour of or against any one. They have told you that there was therein a complete discharge imposing the responsibility upon one who ought not to have borne it. This pretended discharge, of which you have been told, cannot then impede you. But where then is the injury? I appeal to Maître Bourbeau, who is my colleague, and with whom I can allow myself greater latitude than with the Avocat-Général. Is it because there may be a moral injury that it can be said that there is a real injury, as the law understands it? Oh! but it said, you have imposed on the Bank. I answer that the Bank is not the less rich for a million more or less, so long as its credit is not affected. Yes, I have imposed on the Bank, I have imposed on it by robbing it, but not by forgery.

The Bank of France has current accounts. If the current account is not correct, there may be a wrong, a perversion of truth. That is a forgery. But to have perverted truth, and to have caused a moral injury, is not sufficient. The lie in writing is not sufficient. That may be a swindle, it may be a fraudulent scheme. Well, the cashier's book, my own book, has not been falsified. What you attack are the internal accounts of the Bank. But the unhappy man there, however guilty he may be in your eyes in a moral point of view, is nevertheless not a forger.

Above all, the jury are bound by their oath. If forgery has been committed, that man must be judged guilty of forgery. Be assured, I do not seek impunity for that man. He will not get off, he does not wish, and I do not want it.

Here is the declaration which I have been commissioned to read to you in the name of Lamirande, and I pass my word for him:—

"I, the Undersigned Surreau Lamirande (Ernest Charles Constant), solemnly declare that, if the verdict of the jury who have to determine on the crime of which I am accused, and which I protest I never intended to commit, is in the negative, I do not intend to avail myself in any way of the privilege of the Treaty of Extradition with England; that, on the contrary, I ask in that case to be tried by the Court of Assize of Vienne for the acts of embezzlement and theft which are laid to my charge by order of the Court of Indictment.

"I am, therefore, prepared to surrender myself as a prisoner, and I request my Counsel to place this declaration in the hand of the Attorney-General.

"*Poitiers, December* 4, 1866."

(Signed) "LAMIRANDE."

Ah! M. l'Avocat-Général, did you not understand how I was situated in this matter? We did not wish to shelter ourselves behind Treaties of Extradition. Away! Away! We do not have recourse to such means. We wear the long robe as well as magistrates. The colour is of no consequence; conscience is everything.

In three months Lamirande will be here, and you will try him,—you or others. I

wish him to have the benefit of his courage; I wish him, after the verdict of the jury, to be free before the law, but to be a prisoner before justice and by his own free will. We advocates appreciate above all things compassion. The advocate for an accused man sustains and raises him; he speaks to him of remorse, of God, and of atonement.

We are physicians of the mind, happy and proud to be so. That man will be acquittted, but justice will be done in three months. I have pleaded my cause according to the view I have taken of it; I have spoken the truth. In three months we will not say that the law is for us, but that it is against us; no doubt we shall endeavour, in a certain measure, to soften the hearts of the jury towards so much suffering.

Alas, for the unhappy man! if you only knew what he has suffered! Yes, before taking his place on that bench he found yesterday in his prison these three letters, which I wish to read to you. Whilst reading these lines I was deeply moved, and you will share my emotion.

Here is, first, the letter of Lamirande's pious mother:—

"Dearest, unhappy child,

"I did not wait for your cry of lamentation before forgiving your crime; I feel an intense compassion for you in thinking of the lot which you have prepared for yourself, and the sufferings which you have brought upon yourself.

"I fervently pray Heaven that your judges may be indulgent, and that God may forgive you as your mother forgives you.

(Signed) "A. S. Lamira nd.'

Here is the old man's letter to his son:—

"I well knew that the hour of repentance would precede the hour of justice; and, unhappy child, I forgave you from the day in which you acknowledged your error. I have suffered in a deeper degree than you the miseries which are the inevitable consequences of your shame and of your flight. I shall suffer still from the terrible penalties which will be inflicted on you. I shall not complain if you can support your sufferings with dignity, and continue in your repentance.

"I need not tell you that we all pray that your Judge may be indulgent, and give you credit for an honourable life till the day in which you failed in honour and probity.

"Repent and God will aid you.

"Your unhappy father,

(Signed) "S. Lamirande."

Lastly, Lamirande's brother wrote as follows:—

"My poor brother,

"Your past sufferings, your present sufferings, infinitely sharper, fill us with compassion for you; but it is not on their account that we forgive you. It is on account of your repentance which we think sincere and complete. There is your refuge; there alone can you recover peace with yourself. It is only by repentance that hereafter, by dint of courage, patience, and denial, you can regain self-respect. We will support you with all our might in the accomplishment of that work which is impossible at present, but will not always be so. Have courage then, our love will not fail you, if your will is firm enough to be worthy of it. It will aid you in regaining our esteem.

(Signed) "C. Lamirande."

"P.S.—Mathilde joins in the sentiments which I express."

I will add nothing to these letters. Lamirande is dead as regards the world. In three months time he will be condemned by the Court of Assize; but if men are severe, God will be compassionate to him. A future of love exists in those letters which I return to him. His parents will still live to forgive and to love. There stands the case. The hour approaches; it is nigh at hand; but do not without necessity violate the law. I reckon upon you, gentlemen, because you are men of feeling and of conscience, and because you will not strike till it is necessary to do so.

The sitting was suspended till a quarter past 2 o'clock.

After the replies of the Avocat-Général and of Maître Lepetit, the President summed up the arguments; the jury then retired to deliberate. At the end of three-quarters of an hour they brought in a verdict of guilty upon the charge of forgery and of the employment of falsified papers.

They acknowledged that there were extenuating circumstances in favour of the accused.

The Court after deliberation condemned Surreau de Lamirande to ten years' imprisonment (réclusion).

Lamirande appeared overwhelmed.

No. 24.

Earl Cowley to Lord Stanley.—(Received December 15.)

My Lord, *Paris, December* 13, 1866.

IN compliance with the instructions contained in your Lordship's despatch of the 7th instant, to inquire into the correctness of the statement of a daily paper that, a few weeks since, a criminal whose capture or surrender had been improperly obtained in France was, after a conviction and sentence in France, sent back to Switzerland by order of the Imperial Government, I desired M. Treite to make inquiries, and I now inclose copy of a letter which I have received from that gentleman, from which your Lordship will perceive that he has not been able to find any trace of such a case having occurred recently.

M. Treite considers that the newspaper refers to the case of Dermenon, in 1840, of which he gives a summary, and which turned less on the irregularity of the extradition than on the principle that an accused person can only be tried on the charges upon which the extradition had been granted.

M. Treite also states that the only point in this precedent which has any bearing on Lamirande's case is, that it follows from it that, when the Executive declares an extradition not to have been made according to law, it can waive it, and give up the individual.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 24.

M. Treite to Earl Cowley.

Milord, *Paris, le* 11 *Décembre,* 1866.

VOTRE Excellence a bien voulu me faire une communication relative à un criminel que le Gouvernement Français, d'après d'un journal, aurait rendu, il y a quelques semaines, à la Suisse, par le motif que l'extradition n'aurait pas été régulière—fait qui constituerait un précédent pour la restitution de Lamirande.

Je m'empresse de répondre à votre Excellence que, malgré mes recherches, je n'ai pu trouver trace d'un pareil fait qui se serait passé récemment. Et, à moins qu'il n'ait été profondément enseveli dans les arcanes de la Chancellerie, je ne crois pas qu'il existe.

Il y aura eu confusion dans l'assertion du journal. Le précédent auquel il a été fait allusion se rapporte évidemment au procès d'un Sieur Dermenon, jugé en 1840, et dans lequel ce fut moins l'irrégularité de l'extradition qui fut en jeu que le principe qui veut qu'un accusé ne puisse être jugé que pour des causes ou chefs d'accusation pour lesquels l'extradition a été effectuée.

Voici l'espèce : Un criminel, nommé Dermenon, s'était refugié en Suisse. Il avait été mis en accusation pour crime de banqueroute frauduleuse devant la Cour d'Assises du Département de la Côte d'Or à Dijon. L'arrêt de renvoi devant la Cour d'Assises portait que, ultérieurement, Dermenon serait traduit devant le tribunal de police correctionnelle pour les délits de banqueroute simple et d'abus de confiance, s'il était acquitté du chef de banqueroute frauduleuse. L'extradition de Dermenon fut demandé pour ce dernier chef d'accusation, et accordé par le Canton de Génève ; mais le jury acquitta Dermenon.

Le Procureur-Général près le Cour de Dijon demanda alors au Ministre de la Justice s'il fallait faire juger Dermenon pour les délits de banqueroute simple et d'abus de confiance. Le Ministre répondit que l'accusé, n'ayant été livré que pour le crime de faux, ne pouvait être mis en jugement pour d'autres causes, et qu'il fallait le reconduire à la frontière. Mais le Canton de Genève refusa de le recevoir, et Dermenon fut ramené à Dijon, où il fut traduit en Police Correctionnelle pour abus de confiance et banqueroute simple. Le prévenu excipa de son état de fugitif, de l'irrégularité forcée de sa présence en France, &c. Le Tribunal de Police Correctionnelle admit les exceptions de Dermenon, et ordonna qu'il serait ramené à la frontière. Mais le Procureur-Général fit appel contre ce jugement, et la Cour, reformant le jugement du Tribunal de Première Instance, ordonna, par arrêt du 14 Août, 1840, qu'il fut procedé aux débats, parce que, "si les Français poursuivis en France pour crimes et délits sont protégés par l'inviolabilité du territoire étranger, il ne sauraient se prévaloir de cette inviolabilité quand le pays étranger les repousse."

Dermenon se pourvut en Cassation contre cette décision, et la Cour Suprême, par arrêt du 4 Septembre, 1840, a cassé la sentence de la Cour de Dijon, par le motif qu'elle aurait dû surseoir, vû que la question à décider était celle de savoir si le refus de Genève

de recevoir l'accusé équivalait à une extradition régulière, et que le Gouvernement seul était compétent à cet effet. Le pouvoir exécutif décide en effet qu'il n'y avait pas lieu de juger Dermenon, vû l'irrégularité de son extradition, et il le fit reconduire à une frontière.

Ainsi qu'on le voit la doctrine principale qui se dégage tout d'abord de ces faits, c'est que le Gouvernement Français n'a pas voulu que Dermenon fut jugé sur des chefs d'accusation autres que ceux sur lesquels l'extradition avait été demandée et obtenue. Le Gouvernement Français a toujours observé ce principe; il y a de nombreux exemples, parmi lesquels on peut citer celui d'un individu qui en 1815 avait été condamné par contumace pour crime. Plus tard le même individu fut accusé de complicité dans la tentative d'assassinat du Duc de Wellington. Le Gouvernement obtint l'extradition pour ce chef d'accusation, mais l'individu fut acquitté par le jury et put s'en retourner à l'étranger.

Mais en second lieu il résulte aussi des faits-Dermenon que le Gouvernement Français n'a pas voulu considérer comme régulière une extradition basée seulement sur le refus d'un Gouvernement étranger de recevoir un inculpé qui déjà avait trouvé antérieurement un refuge sur son territoire. Il en résulte encore que quand le pouvoir exécutif ne trouve pas une extradition conforme aux lois, il peut ne pas s'en prevaloir et rendre l'extradé. C'est là le seul point de contact que le précédent Dermenon ait avec l'affaire de Lamirande.

C'est à cet arrêt-Dermenon que faisait allusion l'Avocat-Général dans le procès Lamirande, quand il soutenait que l'autorité judiciaire était absolument incompétente pour statuer sur des faits d'extradition, excepté dans un seul cas, celui où l'extradition avait eu lieu sans que le pouvoir exécutif y eut pris part, et alors le Juge devait surseoir jusqu'à ce que le Gouvernement se fût prononcé sur la régularité de l'extradition.

C'est là du reste la doctrine proclamée dans la fameuse circulaire de la Chancellerie du 5 Avril, 1841, laquelle met en relief tous les points de la pratique de l'extradition en France.

Ainsi s'il y a doute sur la légalité de l'extradition, l'autorité judiciaire accordera un sursis, et pour conserver intacte la distinction du pouvoir judiciaire et du pouvoir exécutif, attendra la décision de ce dernier pouvoir, qui seul peut interpréter les Traités internationaux. Dans le procès Lamirande, il n'y avait pas lieu à accorder un sursis, puisque le Gouvernement avait trouvé l'extradition régulière, et avait renvoyé l'extradé devant les Juges.

Ces doctrines sont généralement adoptées par les publicistes Français, mais généralement aussi l'on regrette le conflit résultant de l'extradition de Lamirande. S'il est vrai que cet accusé, régulièrement livré par l'autorité compétente, l'ait été cependant en dehors des prescriptions de la loi Anglaise, et dans des circonstances insolites, le Gouvernement Français ne devrait pas se prévaloir de cette extradition. Ce serait le seul moyen de préparer les voies à un bon Traité, qui est une indispensable nécessité des deux côtés de la Manche.

Agréez, &c.
(Signé) TREITE,
Avocat de la Cour Impériale.

(Translation.)

My Lord, *Paris, December* 11, 1866.

YOUR Excellency has been pleased to communicate with me respecting a criminal whom, according to a certain newspaper, the French Goverment had a few weeks ago sent back to Switzerland on account of the irregularity of the extradition, a fact which would constitute a precedent for the restitution of Lamirande.

I hasten to inform your Excellency, in reply, that, notwithstanding my researches, I have not been able to trace any such case of a recent date ; and unless indeed it has been deeply buried in the secret recesses of the Chancery, I do not think that such a case exists.

There must have been a misapprehension in the newspaper's assertion. The precedent to which allusion has been made, evidently relates to the case of one Dermenon, tried in 1840, and in which it was less the irregularity of the extradition that was in question, than the principle that the accused can only be tried for the reasons or charges on account of which the extradition had been effected.

This is the case : A criminal named Dermenon had taken refuge in Switzerland. He had been indicted for fraudulent bankruptcy before the Court of Assize of the Department of the Côte d'Or at Dijon. The commitment of the Court of Assize provided that Dermenon should be eventually arraigned before the Tribunal of Correctional Police for the misdemeanour of simple bankruptcy and breach of trust, if he were acquitted on the

charge of fraudulent bankruptcy. The extradition of Dermenon was demanded on account of this latter charge, and was granted by the Canton of Geneva, but the jury acquitted Dermenon.

The Procureur-Général of the Dijon Court then inquired of the Minister of Justice whether Dermenon should be tried for the misdemeanours of simple bankruptcy and breach of trust. The Minister replied that as the accused had only been surrendered on the charge of forgery, he could not be put on his trial for other reasons, and that he must be reconducted to the frontier. But the Canton of Geneva refused to receive him, and Dermenon was brought back to Dijon, where he was taken before the Tribunal of Correctional Police on the charge of breach of trust and simple bankruptcy. The accused alleged his status as a refugee; the enforced irregularity of his presence in France, &c. The Police Tribunal allowed Dermenon's objections, and ordered him to be taken back to the frontier. But the Procureur-Général appealed against this decision, and the Court revising the judgment of the Tribunal of First Instance, decided by a Decree of August 14, 1840, that the case should be tried, on the ground that "if Frenchmen prosecuted in France for crimes and misdemeanours, are protected by the inviolability of a foreign territory, they cannot avail themselves of that inviolability when the foreign country rejects them."

Dermenon appealed to the Court of Cassation against this decision, and the Supreme Court, by a Decree of the 4th of September, 1840, quashed the sentence of the Court of Dijon, because it ought to have suspended the proceedings, considering that the question was whether the refusal of Geneva to receive the accused amounted to a regular extradition, and that the Government alone was competent to decide the point. The Executive Power, in fact, decided that Dermenon could not be tried on account of the irregularity of his extradition, and ordered him back to the frontier.

As you will perceive, the principal doctrine which results from these facts is, that the French Government would not allow Dermenon to be tried on charges other than those on account of which his extradition had been demanded and obtained. The French Government has always observed this principle, of which there are numerous instances, amongst which may be cited that of an individual who in 1815 had been condemned for crime through contempt of Court. The same individual was subsequently arrested of complicity in the attempt to assassinate the Duke of Wellington. The Government procured his extradition on this charge, but he was acquitted by the jury, and was able to go abroad again.

But in the second place, it results from the Dermenon case that the French Government would not consider as regular an extradition founded merely on the refusal of a foreign Government to receive an accused person who already had previously found a refuge in its territory. It further results, that when the Executive Power finds that an extradition is not according to law, they can decline to take advantage of it, and give up the person surrendered. This is the sole point in which the Dermenon precedent affects the case of Lamirande.

It was to this Dermenon decision that the Avocat-Général made allusion during the Lamirande proceedings, when he urged that the judicial authority was altogether incompetent to decide upon the facts of extradition, with the single exception of a case in which the extradition had been effected without the intervention of the Executive power, and then the Judge ought to suspend the proceedings until such time as the Government had pronounced a decision on the regularity of the extradition.

Besides, this is the principle enunciated in the famous Chancery Circular of April 5, 1841, which brings clearly out all the points of extradition practice in France.

Thus, if any doubt arises respecting the legality of the extradition the Judicial authority will grant a delay, and in order to preserve intact the distinction between the Judicial and Executive powers, will await the decision of the latter authority, which alone can interpret international Treaties. There was no occasion in the Lamirande proceedings to grant a delay, for the Government had decided that the extradition was regular and had sent the person surrendered for trial.

These doctrines are generally adopted by French publicists, but the dispute arising from the extradition of Lamirande is also generally regretted. If it be true that this prisoner, regularly surrendered by the proper authority, was so surrendered in a manner not within the provisions of the English law, and under unusual circumstances, the French Government ought not to take advantage of that extradition. This would be the only means of preparing the way for a good Treaty, which is indispensably necessary for both sides of the Channel.

Accept, &c.

(Signed) TREITE,

Avocat de la Cour Impériale.

No. 25.

Earl Cowley to Lord Stanley.—(*Received December* 20.)

My Lord, *Paris, December* 19, 1866.

IN taking leave of M. de Moustier this afternoon, I recommended to his attention the last communication which I had made to him on the subject of Lamirande's extradition.

His Excellency replied that the French Government could do nothing more; that if Her Majesty's Government had any claim to make upon the Imperial Government in consequence of the infraction of the Extradition Treaty, it should be put forward officially and supported by proofs. The Imperial Government would be quite ready to consider a demand of the kind, and to examine it upon its merits; and he could assure me that if Her Majesty's Government could make out a case, Lamirande should be surrendered to them.

I observed that it would be, in my opinion, preferable to make this question the subject of a confidential, rather than of an official inquiry. M. de Moustier rejoined that, under any circumstances, it must partake of an official character.

I have, &c.
(Signed) COWLEY.

No. 26.

Lord Stanley to Admiral Harris.

Sir, *Foreign Office, December* 20, 1866.

IN the second leading article of the "Daily News" of the 7th instant, it is stated "it is only a few weeks since that a criminal whose capture or surrender had been improperly obtained in Switzerland was, after conviction and sentence in France, sent back to Switzerland by order of the Imperial Government on the ground of the antecedent irregularity."

I have referred to Her Majesty's Ambassador at Paris on this subject, but I have not been able to obtain any information of a case answering the above description, and of so recent a date as is stated in the "Daily News."

I have therefore to instruct you to furnish me with any particulars of which you are in possession, in explanation of the statement above referred to.

I am, &c.
(Signed) STANLEY.

No. 27.

Admiral Harris to Lord Stanley.—(*Received December* 30.)

My Lord, *Berne, December* 28, 1866.

IN accordance with the instructions contained in your Lordship's despatch dated the 20th instant, I have obtained the details of a case, doubtless the one alluded to in an article of the "Daily News" of the 7th instant, in which it is stated that "a criminal, whose capture and surrender had been improperly obtained in Switzerland, was, after conviction and sentence in France, sent back to Switzerland on the ground of the antecedent irregularity." The following are the correct details supplied to me by the Swiss Government:—On the 25th of last June the French Ambassador demanded the extradition of two Frenchmen, André Balmont and Ferdinand Courtès, commercial travellers, arrested at Geneva on charges of "crime de faux et usage de pièces fausses," in accordance with the terms of the existing Treaty of Extradition between France and Switzerland. The Federal Council acceded to the request, and the prisoners were handed over to the French authorities on the 5th of July. On examination before the Juge d'Instruction at Lyons it was found that the original charges could not be sustained; nevertheless, they were remanded to prison and summoned before the Tribunal Correctional at Lyons on a charge of "abus de confiance et escroquerie." This being in legal classification a "délit" and not a "crime," is not included in the terms of the Extradition Treaty; consequently the prisoners' counsel protested, and would not allow them to plead. They were withdrawn from the bar, but the trial proceeded and they were

condemned "en contumace." They appealed through their counsel to the Swiss Government, who instructed their Envoy at Paris, M. Kern, to make a reclamation on the subject.

In a note dated the 31st August, M. Kern informs the Federal Council that previous to applying to the French Minister of Foreign Affairs he had made inquiries of the Minister of Justice, who informed him that instructions had already been issued on the 23rd of August to the authorities at Lyons to convey the two prisoners to the Swiss frontier and release them. The Minister of Justice further told M. Kern that incorrect statements had been published in a pamphlet in London respecting this case, which would be refuted in the "Moniteur."

I have, &c.
(Signed) E. A. J. HARRIS.

No. 28.

Lord Stanley to Mr. Fane.

My Lord, *Foreign Office, January 9, 1867.*

HER Majesty's Government have been awaiting with some anxiety the observations which, as reported by Lord Cowley in his despatch of the 20th of November, M. de Moustier proposed to offer on the communication made to his Excellency by Lord Cowley on the 18th of that month respecting the case of M. Lamirande.

M. de Moustier, in the conversation recorded in that despatch, showed a disposition to demur to the view taken by Her Majesty's Government in regard to demands for extradition not being properly made by a Consular officer, and spoke of being unable then to discuss the question whether the crime of which M. Lamirande was accused was or was not forgery.

Since that conversation M. Lamirande has been tried and convicted, and is understood to have appealed against the decision of the Court; but little more has been elicited from the French Government than an expression of readiness to meet any official demand which might be addressed to it with a view to effect the release of M. Lamirande.

Although the Law Officers of the Crown, at an earlier stage of the discussion, expressed their opinion, as stated in my despatch to Lord Cowley of the 10th of November, that Her Majesty's Government could not demand, as of right, the surrender of M. Lamirande, I have nevertheless submitted the question to them again, on the strength of what passed between Lord Cowley and the French Minister, as reported in his Excellency's despatches of November 13 and 20, and of the 19th of December.

I have also placed before them the case of surrender of a prisoner many years since on account of defect in regard to his extradition, as well as the still more recent case which occurred last summer, to which Admiral Harris refers in his despatch of the 28th of December, in order that they might consider whether such cases afforded any grounds on which a demand for the release of M. Lamirande could be supported.

I have not yet received the opinion of the Law Officers on these later references, and I am still expecting from you the particulars respecting the Swiss case of last year, into which you have directed M. Treite to inquire.

In the meanwhile, however, I should wish you to remind M. de Moustier of his conversation with Lord Cowley of November 20, and inquire whether his Excellency has so fully informed himself on the points then brought to his notice as to enable him to explain the views of the French Government.

Her Majesty's Government are very anxious that any communications between the French Government and themselves on this question should be brought to a close,—favourable, they trust, to M. Lamirande's release,—before the meeting of Parliament, when the case is sure to be publicly discussed, both as regards the proceedings of the Colonial Government in surrendering the prisoner, and the retention of him in custody by that of France.

The latter point is the only one to be considered internationally; but the bearings of it on the general question of extradition are very important: and Her Majesty's Government much fear lest, even though the retention of the prisoner in France may be strictly legal, and not susceptible of any complaint being made on the ground of disregard of international obligations, or even courtesies, the possibility of such a state of things resulting from a Treaty of Extradition may influence Parliament, not only to refuse to renew the Act of last session, but even to require the Government to put an end, at all events, to the Treaty of 1843, if not to all Extradition Treaties whatever.

Such a course would be fraught with much injury to the commercial interests of both countries, and it is in the hope that the necessity for taking it may not arise that, without waiting for the opinions of the Law Officers, as to making a formal demand, I have to instruct you again to see M. de Moustier on the subject, and, in the same confidential form in which the question has hitherto been treated, endeavour to persuade him to recommend that M. Lamirande should be set at liberty.

I should wish to be informed, as soon as possible, in what state M. Lamirande's appeal now is, and when it may be expected to be decided.

I am, &c.
(Signed) STANLEY.

No. 29.

Mr. Fane to Lord Stanley.—(Received January 12.)

My Lord, *Paris, January* 11, 1867.

WITH reference to my despatch of the 4th instant, I have the honour to inclose herewith copy of a Report addressed to me by M. Treite on the Franco-Swiss extradition case referred to in your Lordship's despatch of the 31st ultimo, and on its bearing on the case of M. Lamirande.

I have now directed M. Treite to inquire into the exact state in which M. Lamirande's appeal is, and when a decision upon it may be expected, and to furnish me immediately with a report embodying the result of his inquiries.

I expect to have an opportunity to-morrow of bringing the case of M. Lamirande once more before the Marquis de Moustier, in obedience to the instructions conveyed to me in your Lordship's despatch of the 9th instant.

I have, &c.
(Signed) JULIAN FANE.

Inclosure in No. 29.

M. Treite to Mr. Fane.

M. le Ministre, *Paris, le* 11 *Janvier,* 1867.

VOUS avez bien voulu me charger de prendre des informations sur un cas d'extradition intervenu entre la France et la Suisse, cas qui aurait eu lieu dans le courant de 1866, et qui pourrait être un précédent pour le fait de Lamirande.

Ce cas était resté enfoui dans les cartons des Chancelleries des deux pays ; mais, grâce à la référence que vous m'avez donnée, M. le Ministre de la Confédération Helvétique m'a mis au courant de toute l'affaire, et le voici.

En Juin 1866 deux Français, André Balmont et Ferdinand Courtis, refugiés en Suisse, ont été, sur la demande de l'Ambassadeur Français à Berne, arrêtés dans le Canton de Genève et extradés. Ces deux individus étaient accusés de faux et d'usage de pièces fausses, crimes prévus par le Traité d'Extradition. Les accusés Balmont et Courtis ont été traduits devant la Cour d'Assises du Rhône, siégeant à Lyon. Ils furent acquittés par le jury des chefs de faux.

Le Procureur-Général voulut les traduire devant le Tribunal de Police Correctionnelle pour délites d'escroquerie et d'abus de confiance, deux chefs de délit dont ils étaient également inculpés.

Mais ils résistèrent á la prétention du Procureur-Général, et réclamèrent tant auprès des autorités Fédérales Helvétiques qu'auprès du Ministère de la Justice. Ayant refusé de comparaître devant le Tribunal de Police Correctionnelle, ils furent condamnés par défaut ou par contumace.

Le Conseil Fédéral écrivit le 24 Août au Ministre de la Suisse à Paris en le chargeant de rappeler au Gouvernement Français que l'extradition n'ayant eu lieu que pour le crime de faux, il n'y avait pas lieu de juger Balmont et Courtis pour d'autres délits, à moins que les prévenus n'y consentissent.

M. le Ministre de Suisse, avant de saisir officiellement le Ministère des Affaires Etrangères, prit des informations officieuses au Ministère de la Justice ; et on lui répondit que dès le 23 Août, avant même que la lettre du Conseil Fédéral ne fût écrite, le Ministre de la Justice avait spontanément donné l'ordre au Procureur-Général de Lyon de faire reconduire Balmont et Courtis à la frontière.

Le Ministre de la Suisse n'avait dès lors plus de réclamation à faire, et le 31 Août il renvoya les pièces à son Gouvernement.

Ainsi en ce cas, il n'y a eu aucune intervention diplomatique, et c'est à tort que le "Daily News" a mentionné ce fait comme un précédent dans l'affaire de Lamirande.

Du reste, le Ministre de la Justice, en faisant, *proprio motu*, reconduire les deux inculpés à la frontière n'a fait que se conformer à une jurisprudence constante dont, dans mes précédentes communications, j'ai déjà cité des exemples et qui est ainsi formulée dans une circulaire ministérielle du 5 Septembre, 1841 :—

"Du principe que l'extradition ne peut être accordée pour un délit, il résulte que si un individu qui a commis un fait qualifié crime en France, est livré au Gouvernement Français pour être jugé sur ce fait, et qu'en même temps il soit prévenu d'un délit, il ne doit pas être jugé sur ce délit.

"L'application du principe est susceptible de quelques difficultés. Il est évident que si le délit est isolé, il sera facile de ne juger l'individu livré que sur le crime, mais dans certains cas le délit est connexe; en outre, il devient souvent, par la connexité, une circonstance aggravante. Quand ces difficultés se présentent vous m'en référerez, et je vous ferez connaître, avec mon avis, les précédents de mon administration."

Tel est le langage que le Ministre de la Justice tient aux Procureurs-Généraux; on ne doit juger les accusés que sur les crimes prévus par les Traités d'Extradition.

Cette circulaire est très importante; elle résume toute la pratique de la matière de l'extradition, telle qu'elle a toujours été exercée par le Gouvernement Français.

Il m'a été impossible d'en retrouver un exemplaire; mais comme elle est très longue, je vais le faire réimprimer, et aurai l'honneur de vous en remettre un exemplaire, ainsi qu'à M. le Ministre de Suisse, qui m'en a prié.

Je crois donc ne pas être téméraire en persistant dans l'opinion que j'ai émise le 10 Décembre dernier, déclarant qu'il n'y avait pas de précédent applicable à l'affaire Lamirande.

Agréez, &c.
(Signé) TREITE.

(Translation.)

M. le Ministre, *Paris, January* 11, 1867.

YOU have been pleased to direct me to make inquiry into a case of extradition between France and Switzerland, a case which had probably occurred during the year 1866, and which might form a precedent for that of Lamirande.

The case had remained buried among the papers of the Chanceries belonging to the two countries, but, thanks to the introduction you gave me, the Minister of the Helvetic Confederation has made me conversant with the whole affair, and here it is.

In June 1866, two Frenchmen, André Balmont and Ferdinand Courtis, who had fled to Switzerland, were arrested in the Canton of Geneva and given up on the demand of the French Ambassador at Berne. These two individuals were accused of forgery and of uttering forged papers, crimes within the purview of the Extradition Treaty. The prisoners Balmont and Courtis were arraigned before the Court of Assize of the Rhône, sitting at Lyons. They were acquitted by the jury on the charge of forgery.

The Procureur-Général wished to try them before the Tribunal of Correctional Police for swindling and breach of trust, two charges of misdemeanour of which they were likewise accused.

But they opposed the attempt of the Procureur-Général, and invoked the aid both of the Swiss Federal authorities and of the Ministry of Justice. Having refused to appear before the Tribunal of Correctional Police, they were condemned through default or through contempt of Court.

The Federal Council wrote on the 24th of August to the Swiss Minister at Paris, desiring him to remind the French Government that as the extradition only referred to the crime of forgery, it was not competent to try Balmont and Courtis for other offences, unless indeed the accused gave their consent.

The Swiss Minister, before applying officially to the Minister for Foreign Affairs, made some unofficial inquiries at the Ministry of Justice, and he was told in reply that on the 23rd of August, even before the letter of the Federal Council was written, the Minister of Justice had of his own accord ordered the Procureur-Général of Lyons to cause Balmont and Courtis to be reconducted to the frontier.

The Swiss Minister had, therefore, no further demand to make, and on the 31st of August he returned the documents to his Government.

Thus, in this case there was no diplomatic intervention, and the "Daily News" was mistaken in mentioning this case as a precedent for that of Lamirande.

Besides, the Minister of Justice, in causing *proprio motu* the two accused persons to be reconducted to the frontier, only conformed to the constant rule of law, of which I have already in my preceding communications cited examples, and which is thus laid down in a Ministerial Circular of September 5, 1841 :

"It results from the principle that extradition cannot be granted for a misdemeanour ('délit')—that if an individual who has committed an act which is criminal in France is given up to the French Government to be tried for this act, and if at the same time he is accused of a misdemeanour, he must not be tried for that misdemeanour.

"The application of the principle is susceptible of some difficulties. It is clear that, if the misdemeanour stands alone, it will be easy to try the individual surrendered for the crime only. But in certain cases the misdemeanour is connected; besides, it often becomes, by reason of its connection, an aggravating circumstance. When these difficulties arise, you will refer them to me, and I will let you know, together with my opinion, the precedents of my Department."

Such is the language held by the Minister of Justice to the Procureurs-Généraux : the accused persons can only be tried for the crimes that are provided for by Extradition Treaties.

This Circular is very important. It sums up the whole practice in matters of extradition as it has ever been followed by the French Government.

I have found it impossible to get a copy ; but, as it is very long, I am going to have it reprinted, and shall have the honour of sending you a copy, as well as one to the Swiss Minister, according to his request.

I think, then, that I am not rash in persisting in the opinion which I gave on the 10th of December last—namely, that there is no precedent applicable to the case of Lamirande.

Accept, &c.
(Signed) TREITE.

No. 30.

Lord Stanley to Mr. Fane.

Sir, *Foreign Office, January* 12, 1867.

HER Majesty's Government have given their best consideration to, and have consulted the Law Officers of the Crown on, Lord Cowley's report, contained in his despatch of the 19th of December, of his conversation with M. de Moustier respecting the case of M. Lamirande, and they gather from it that unless a formal application for the surrender of M. Lamirande is made to the French Government, that object will probably not be effected.

Her Majesty's Government would have much preferred that the question should have been set at rest, as it has hitherto been discussed, by informal rather than by official representation on their part ; but as the French Government seem to consider the latter course preferable, I can no longer hesitate to say that although even now Her Majesty's Government are advised that they cannot demand the surrender of M. Lamirande as a matter of right, yet it is their desire that you should at once make an official request for his surrender.

You will observe that Her Majesty's Government contend that the extradition of M. Lamirande was unauthorized by the Treaty of 1843, and by the Statute giving effect to that Treaty, on two grounds :

First, that the demand made for his extradition was not made through the intervention of such a Diplomatic Agent as is contemplated by the Treaty, and the British Statute confirming it : and,

Secondly, that the offence charged against M. Lamirande was not the offence of "faux," or forgery, contemplated by the Treaty.

As regards the first point, M. de Moustier in his conversation with Lord Cowley, reported by the latter in his despatch of the 20th of November, seemed disposed to contend that the French Consul-General was, under the circumstances, an accredited Diplomatic Agent within the meaning of the Treaty and Statute. The Governor-General of Canada by appearing to treat the French Consul-General as an authorized Agent within the meaning of the Act, certainly made himself a party to such a construction.

It is to be observed, however, that the British statute reproduces the term "Diplomatic Agents," which alone appears in the Treaty, and limits to persons so qualified the right to demand extradition under the French Treaty. If a more compre-

hensive significance had then been considered to be attached to that term, there was no reason why it should not have been set forth in the statute; in the same manner as in the statute passed on the self-same day, namely, the 22nd of August, 1843, for giving effect to the Extradition Article of the Treaty with the United States of the previous year, no mention was made of the specific character of the officer who should make the demand for extradition, but only that the requisition should be "made by the authority of the United States," the Treaty specifying in general terms "Ministers, officers, or authorities" as the channels through which requisitions should be made, and not, as in the case of the Treaty with France, defining those authorities as Diplomatic Agents. In the absence, therefore, of a more comprehensive term than that of "Diplomatic Agents" in the British statute, it is impossible for Her Majesty's Government to accede to M. de Moustier's view that for the purposes of demands of extradition a Consular Agent can be recognized as Diplomatic Agent, under the Treaty of 1843.

The Act of Congress of 1848, giving effect generally to Treaties of Extradition concluded or to be concluded with foreign Powers by the United States, merely specifies that requisition shall be made by the "proper authorities" of the foreign Governments, and that term would seem sufficiently large to include others than Diplomatic Agents, although the Treaty between France and the United States specifies Diplomatic Agents alone as the medium of requisition. But the British statute admits of no such comprehensive construction.

As regards the second point arising in the case, Her Majesty's Government consider that the crime with which M. Lamirande is charged does not amount to forgery according to British law, and therefore does not do so according to the mind of the British negotiator of the Treaty, or the intention of the British Legislature when giving effect to it. The French Government are understood to hold that the crime comes within the term "faux," employed in the French version of the Treaty as the equivalent of the term "forgery" employed in the English version. Each Government may be right in their respective contentions as to the import of terms used in the several languages, but when so material a difference exists between the two parties to a Treaty, it may not be unreasonable in the party who will suffer by an adverse construction to press the other party not to insist on its own.

But even admitting, with the French Government (which, however, Her Majesty's Government are by no means prepared to do), that under exceptional circumstances the requisition of a Consular Agent for the surrender of a prisoner under the Extradition Treaty may be accepted in lieu of that of a Diplomatic Agent, Her Majesty's Government must observe that no such exceptional circumstances can be pleaded in the case of M. Lamirande. His crime, whatever it may be, was not committed in a French Colony, nor was the warrant for his apprehension issued by a French Colonial Magistrate, and conveyed direct to Canada without passing through France; but the crime was committed in France, the warrant was issued by a Magistrate in France, and it was probably conveyed by the person who was the bearer of it through England, or at all events might have been so conveyed without inconvenience or sensible delay. There was therefore no necessity for disregarding, in this case, the usual practice of applying to Her Majesty's Government for the extradition of M. Lamirande under that warrant through the French Diplomatic Agent in England.

On all these grounds, therefore, Her Majesty's Government trust that the French Government will be disposed to view with favour the application which I have now to instruct you officially to make to them for the surrender of M. Lamirande.

I am, &c.
(Signed) STANLEY.

No. 31.

Mr. Fane to Lord Stanley.—(*Received January* 14.)

(Extract.) *Paris, January* 13, 1867.

I HAD a long conversation yesterday with the Marquis de Moustier on the subject of the extradition of M. Lamirande.

The result of that conversation was a declaration on the part of his Excellency of the sincere desire of the Emperor and of the Imperial Government to do strict justice in this case, and to prevent its becoming the subject of unpleasant controversy between the two Governments.

The views of Her Majesty's Government, M. de Moustier said, had hitherto been

submitted to the Imperial Government in too vague a form to admit of a specific reply being given to them. If these views, together with any application which might be founded on them, were formally submitted in writing to the Imperial Government, they should be considered, with every desire to satisfy scrupulously the ends of justice.

His Excellency added, however, that if the release of M. Lamirande should be demanded as a matter of favour, it would be impossible for the Imperial Government, in view of their responsibility to the law and to public opinion, to accede to it. But if it was based on claims of right and justice, those claims would be examined with every desire to satisfy them if they should prove to be legally admissible.

I received this morning your Lordship's despatch of yesterday's date, instructing me to make an official application for the release of M. Lamirande to the Imperial Government. I have accordingly drawn up a draft of note to M. de Moustier, copy of which I have the honour to inclose.

I shall keep my note to M. de Moustier in my possession till to-morrow evening, in order that your Lordship, should you desire any alteration to be made in it, may instruct me to that effect by the telegraph.

Inclosure in No. 31.

Draft of Note from Mr. Fane to M. de Moustier

M. le Ministre, *Paris, January* 1867.

YOUR Excellency, in conversation with Earl Cowley and with myself, on the subject of the extradition of M. Lamirande, has expressed a desire that the views of Her Majesty's Government upon this case, and any application which may be founded upon those views, should be formally addressed to the Imperial Government in a written statement.

In accordance with that desire, and in obedience to the instructions of Her Majesty's Government, I have now the honour of submitting such a statement to your Excellency.

Her Majesty's Government contend that the extradition of M. Lamirande was unauthorized by the Treaty of 1843, and by the Statute giving effect to that Treaty, on two grounds:

First, that the demand made for his extradition was not made through the intervention of such a Diplomatic Agent as is contemplated by the Treaty and the British Statute confirming it; and,

Secondly, that the offence charged against Lamirande was not the offence of "faux," or forgery, contemplated by the Treaty.

As regards the first point, your Excellency, in your conversation with Lord Cowley, seemed disposed to contend that the French Consul-General was, under the circumstances, an accredited Diplomatic Agent within the meaning of the Treaty and Statute.

It is to be observed, however, that the British Statute reproduces the term "Diplomatic Agents," which alone appears in the Treaty, and limits to persons so qualified the right to demand extradition under the French Treaty. If a more comprehensive significance had then been considered to be attached to that term, there was no reason why it should not have been set forth in the Statute, in the same manner as in the Statute passed on the self-same day, viz., the 22nd of August, 1843, for giving effect to the Extradition Article of the Treaty with the United States of the previous year. No mention was made in that Statute of the specific character of the officer who should make the demand for extradition, but only that the requisition should be "made by the authority of the United States," the Treaty specifying in general terms "Ministers, officers, or authorities," as the channels through which requisitions should be made, and not, as in the case of the Treaty with France, defining those authorities as Diplomatic Agents. In the absence therefore of a more comprehensive term than that of "Diplomatic Agents" in the British Statute, it is impossible for Her Majesty's Government to accede to your Excellency's view that, for the purposes of demands of extradition, a Consular Agent can be recognized as a Diplomatic Agent under the Treaty of 1843.

The Act of Congress of 1848 giving effect generally to Treaties of Extradition concluded, or to be concluded, with foreign Powers by the United States, merely specifies that requisition shall be made by the "proper authorities" of the foreign Governments, and that term would seem sufficiently large to include other than Diplomatic Agents, although the Treaty between France and the United States specifies Diplomatic Agents

alone as the medium of requisition. But the British statute admits of no such comprehensive construction.

As regards the second point arising in the case, Her Majesty's Government consider that the crime with which M. Lamirande is charged does not amount to forgery according to British law, and therefore does not do so according to the mind of the British negotiator of the Treaty, or the intention of the British Legislature when giving effect to it. The French Government are understood to hold that the crime was within the term "faux," employed in the French version of the Treaty as the equivalent of the term "forgery" employed in the English version. Each Government may be right in their respective contentions as to the import of terms used in the several languages, but when so material a difference exists between the two parties of a Treaty, it may not be unreasonable in the party who will suffer by an adverse construction, to press the other party not to insist on its own.

But even admitting with the French Government (which, however, Her Majesty's Government are by no means prepared to do), that under exceptional circumstances the requisition of a Consular Agent for the surrender of a prisoner under the Extradition Treaty may be accepted in lieu of that of a Diplomatic Agent, Her Majesty's Government must observe that no such exceptional circumstances can be pleaded in the case of M. Lamirande. His crime, whatever it may be, was not committed in a French Colony, nor was the warrant for his apprehension issued by a French Colonial Magistrate, and conveyed direct to Canada without passing through France; but the crime was committed in France, the warrant was issued by a Magistrate in France, and it was probably conveyed by the person who was the bearer of it through England, or at all events might have been so conveyed without inconvenience or sensible delay. There was therefore no necessity for disregarding, in this case, the usual practice of applying to Her Majesty's Government for the extradition of M. Lamirande under that warrant through the French Diplomatic Agent in England.

On all these grounds, therefore, Her Majesty's Government trust that the French Government will be disposed to accede to the application which I have now the honour of addressing to your Excellency for the surrender of M. Lamirande.

I avail, &c.
(Signed) JULIAN FANE.

No. 32.

Lord Stanley to Mr. Fane.

Foreign Office, January 14, 1867.

I HAVE to acquaint you, in reply to your despatch of the 13th instant, that I approve of the note which you propose to address to M. de Moustier respecting the case of M. Lamirande.

I am, &c.
(Signed) STANLEY.

No. 33.

Mr. Fane to Lord Stanley.—(Received January 16.)

(Extract.) *Paris, January* 14, 1867.

I HAD the honour of receiving this afternoon your Lordship's telegram, informing me that the draft of note which I proposed to address to the French Government, upon the case of M. Lamirande, was approved; and I accordingly sent my communication to the Marquis de Moustier without delay.

Your Lordship will perhaps be good enough to direct that the date "14th of January" shall be attached to it. It will then be identical with the note which I have addressed to the Marquis de Moustier.

No. 34.

Mr. Fane to Lord Stanley.—(*Received January* 16.)

My Lord, *Paris, January* 15, 1867.

WITH reference to my despatch of the 11th instant, stating that I had requested M. Treite to inquire into the exact state in which M. Lamirande's appeal is, I have the honour to inclose herewith a copy of a report which I have just received from that gentleman.

I have, &c.
(Signed) JULIAN FANE.

Inclosure in No. 34.

M. Treite to Mr. Fane.

M. le Ministre,

JE suis allé hier au parquet du Procureur-Général près de la Cour de Cassation, m'informer si Lamirande avait formé un pourvoi contre l'arrêt qui l'a condamné à dix années de réclusion. La réponse ayant été négative, je puis, à mon retour, répondre avec certitude à la question que vous avez bien voulu me poser, et vous dire que la condamnation de Lamirande est définitive et qu'elle n'est plus susceptible d'aucun recours légal.

Le condammé a donc accepté la peine infâmante dont il a été frappé; il eut pu être condammé à vingt années de travaux forcés, qui sont la peine édictée pour le faux; mais le jury ayant accordé à Lamirande le bénéfice d'une déclaration de circonstances atténuantes, la Cour a été obligée d'abaisser d'un degré l'échelle des peines et de ne prononcer que la réclusion, dont le maximum est de dix années.

Il n'appartient à personne de sonder les motifs qui ont déterminé Lamirande à ne pas se pourvoir en Cassation; mais on peut cependant présumer qu'il a songé à l'avenir. En effet, si, par quelque vice de formes ou même pour fausse qualification des faits coupables, mal à propos qualifiés de faux, ainsi que les défenseurs de l'accusé l'ont plaidé et soutenu, l'arrêt de condamnation avait été cassé et l'accusé renvoyé devant un autre jury, il aurait bien pu ne pas obtenir une seconde fois une déclaration de circonstances atténuantes, et en ce cas il serait condamné aux travaux forçes et envoyé à Cayenne. Aussi dit-on généralement que Lamirande a été fort bien traité par le jury d'un pays où sa famille a une honorable position.

Quant à la qualification de crimes de faux donnée aux faits reprochés à Lamirande, ils paraissent ne pas entrer dans ce que la loi Anglaise appelle "forgery," qui suppose toujours un fait matériel, une altération palpable et physique. Mais le Procureur-Général a soutenu (et le jury lui a donné raison) que ces faits constituaient le crime de faux, selon la loi pénale Française.

En effet, en France, on distingue deux espèces de faux, le faux matériel et le faux intellectuel.

Le faux matériel résulte d'une falsification ou altération constatée et physiquement démontrée.

Le faux intellectuel résulte seulement de l'altération ou de la falsification dans la substance ou le contenu d'un acte non falsifié matériellement; par exemple, écrire des conventions autres que celles arrêtées par des contractants ou bien constater comme vrais des faits qui sont faux.

Cette distinction dans le crime de faux est fondée sur cet axiome: *Falsitas est fraudulosa veritatis mutatio et in alterius præjudicium facta.*

Cette définition, admise par les criminalistes Français, a passé dans la jurisprudence. La Cour de Cassation a elle-même défini le faux:—"L'altération de la vérité dans une intention criminelle qui a porté, ou a pu porter, préjudice à autrui." (Arrêt du 17 Juillet, 1835.)

Si Lamirande se fût pourvû en Cassation, la Cour de Cassation lui eût probablement appliqué cette jurisprudence et eût rejeté son pourvoi.

Veuillez bien m'excuser si je suis entré dans tous ces détails; je ne vous les ai donnés que pour que vous puissiez vous rendre compte du verdict du jury, qui, malgré l'absence d'une altération matérielle dans les écritures de la banque, n'en a pas moins déclaré Lamirande coupable de faux.

Permettez-moi d'ajouter encore quelques mots. J'ai entendu dire que l'Angleterre pourrait être fondée à réclamer la personne de Lamirande par le motif que les faits reprochés à cet accusé et pour lesquels il a été extradé, ne rentraient pas dans les termes du Traité de

1843, que les crimes prévus dans le Traité doivent avoir les mêmes caractères dans les deux pays, et que Lamirande, selon la loi Anglaise, n'était pas coupable du crime du forgery, mais seulement du crime du vol, puisqu'il n'a pas matériellement altéré les écritures de la banque.

L'argument, s'il était produit, n'a pas de chances d'être admis. On répondrait qu'il faut interpréter les Traités selon la commune intention des Parties Contractantes. Si au moment de la confection du Traité il y avait eu lieu à en faire une interprétation, l'Angleterre eût répondu qu'elle entendait qu'on lui livrat ceux de ses nationaux accusés de forgery, quoique la loi Française ne punisse pas, et ne considère pas comme crime de faux, plusieurs altérations et faussetés matérielles commises dans les passeports, les feuilles de route, et les certificats d'exonération militaire. L'Angleterre n'eût envisagé que les caractères du crime, selon la loi Anglaise ; et elle eût ajouté qu'elle entendait livrer les Français régulièrement accusés du crime de faux, tels que la loi de France qualifie et punit le faux, sans distinguer entre le faux matériel et le faux intellectuel, admis par la théorie pénale en France—distinction qui est une chose de législation intérieure, en dehors de la compétence des Gouvernements étrangers.

La France soutiendra que, malgré ces circonstances anormales qui ont accompagné l'extradition de Lamirande, elle n'a pas à se préoccuper des faits et des lois, qui sont en dehors de sa compétence, et que l'accusé, du moment qu'il était régulièrement accusé du crime de faux, devait lui être livré, et lui a été livré à bon droit. Les Traités d'Extradition ne sont pas faits dans l'intérêt des criminels, mais contre les malfaiteurs. Ceux-ci ne peuvent les invoquer ; les Gouvernements co-contractants ont seuls qualité pour les interpréter et en empêcher respectivement la violation l'un par l'autre. Le Gouvernement Français n'a pas violé ni la loi Française ni la loi Anglaise. Si Lamirande avait été acquitté par le jury sur le chef de faux, il l'eut fait reconduire à la frontière sans le juger pour vol et abus de confiance.

J'ai cru de mon devoir de vous soumettre ces considérations, qui ont cours en France.

Je doute qu'une réclamation fondée sur la violation de la loi Anglaise par des fonctionnaires Anglais soit accueillie.

J'ai, &c.
(Signé) TREITE.

(Translation.)

M. le Ministre,

I WENT yesterday to the Office of the Procureur-Général at the Court of Cassation, to learn whether Lamirande had appealed against the sentence which has condemned him to ten years of solitary confinement ("réclusion"). The reply having been in the negative, I am enabled on my return to give a definite answer to the question which you have been pleased to put to me, and to tell you that the conviction of Lamirande is definitive, and that it is no longer susceptible of any recourse to law.

The convict has, then, acquiesced in the degrading penalty inflicted on him. He might have been condemned to twenty years' penal servitude ("travaux forcés"), which is the penalty for forgery ; but the jury having given Lamirande the benefit of a declaration of extenuating circumstances, the Court was obliged to go a step lower in the scale of penalties, and to pronounce sentence of solitary confinement only, of which the maximum is ten years.

It is no one's business to fathom the motives which have determined Lamirande not to appeal, but it may, however, be presumed that he thought of the future. In fact, if through some informality, or even through a false description of the culpable acts improperly defined as forgery, as the defenders of the accused have pleaded and maintained, the sentence had been quashed and the accused sent before another jury, he might perhaps not have been able to obtain a second time a declaration of extenuating circumstances, and in this case he would have been condemned to hard labour and sent to Cayenne. Thus it is generally said that Lamirande very well treated by the jury of a country where his family occupied an honourable position.

As to the definition of crimes of forgery given to the acts imputed to Lamirande, they do not appear to fall within what the law of England calls "forgery," which always supposes a material act, a palpable and physical alteration. But the Procureur-Général has maintained (and the jury have taken the same view) that these acts constitute the crime of forgery according to the penal law of France.

In fact, in France there are two distinct kinds of forgery, the material and the moral ("intellectuel").

Material forgery results from a falsification or alteration proved and physically demonstrated.

Moral forgery only results from the alteration or falsification of the substance or the contents of a document not materially falsified; for example, drawing agreements different from those settled by the contracting parties, or declaring as true things which are false.

This distinction in the crime of forgery is founded upon this axiom: "Falsitas est fraudulosa veritatis mutatio et in alterius præjudicium facta."

This definition, admitted by the French criminal lawyers, has passed into jurisprudence. The Court of Cassation has itself defined forgery:—"Alteration of the truth with a criminal intention which has prejudiced or could have prejudiced another."—(Decree of July 17, 1835).

If Lamirande had appealed, the Court of Cassation would probably have applied this maxim of law to him, and would have rejected his appeal.

Be good enough to excuse me for entering into all these details; I have only given them in order to enable you to form an opinion on the verdict of the jury, who, notwithstanding the absence of an actual alteration in the Bank accounts, did not the less declare Lamirande guilty of forgery.

Allow me to add a few more words. I have heard it said that England might be justified in reclaiming the person of Lamirande on the ground that the acts imputed to the accused, and for which he was surrendered, did not come within the terms of the Treaty of 1843; that the crimes provided for in the Treaty ought to have the same character in the two countries; and that Lamirande, according to the law of England, was not guilty of the crime of forgery, but only of the crime of theft, since he has not actually altered the bank accounts.

The argument, if produced, has no chance of being admitted. It would be replied that Treaties must be interpreted according to the common intention of the Contracting Parties. If at the time of drawing up the Treaty an interpretation had to be made, England would have answered that she understood that her subjects accused of forgery should be delivered up, although the law of France does not punish, and does not consider as forgery, several alterations and material fasifications committed in passports, march routes, and certificates of exoneration from military service. England would only have looked at the character of the crime according to the law of England, and she would have replied that she was prepared to surrender French subjects regularly accused of the crime of forgery, such as the law of France defines and punishes as forgery, without distinguishing between material and intellectual forgery, admitted by the penal theory in France, a distinction which is a matter for internal legislation, beyond the competence of foreign Governments.

France will maintain that, in spite of the abnormal circumstances which have accompanied the extradition of Lamirande, she has nothing to do with acts and laws which are beyond her competence, and that the accused, from the moment that he was regularly accused of the crime of forgery, ought to have been surrendered to her, and has been justly surrendered. Treaties of Extradition are not made in the interest of criminals, but against evil-doers. These cannot appeal to them; the co-contracting Governments alone are qualified to interpret them, and to prevent their violation the one by the other respectively. The French Government has violated neither the law of France nor that of England. If Lamirande had been acquitted by the jury on the charge of forgery, it would have caused him to be reconducted to the frontier, without trying him for theft and abuse of confidence.

I have thought it my duty to submit these considerations to you, which are current in France.

I doubt whether a demand founded on the violation of the law of England by English functionaries would be entertained.

I have, &c.
(Signed) TREITE.

No. 35.

Mr. Mackenzie to Lord Stanley.—(Received January 30.)

My Lord, 77, *Gresham House, Old Broad Street, January 29, 1867.*

I AM sorry again to trouble your Lordship on this case, but having sent out to our correspondents and clients at Montreal the particulars of the trial in France, and with all the facts connected therewith, up to the 8th December, I have just received a reply to that communication, and am urgently requested to draw your Lordship's attention to the facts set out in the extract from his letter, which I now inclose.

My attention has been drawn to a paragraph in the "Standard" of Saturday last, to the effect that the "Gazette des Tribunaux" says it is asserted that the English Government has made an application for the surrender of Lamirande. Will your Lordship be kind enough to state whether there is any foundation for this paragraph, and how the matter stands at present?

I have again to urge upon your Lordship the great importance of our Ambassador making a further application to the French authorities for M. Lamirande's release.

I have, &c.
(Signed) J. H. MACKENZIE.

Inclosure in No. 35.

Extract from a Letter of Mr. Doutre, dated December 28, 1866.

I HOPE you have already taken steps for drawing the attention of your Government to the fact that Lamirande has been tried for facts different from those for which he was extradited. The trial has not brought out the shadow of the facts for which extradition was asked. It has never even been attempted to make out that Lamirande had ever made any false entries in the books of the Bank of France. The British Government have as much right to ask his release as if he had been tried for embezzlement or robbery. The trial raises a totally new issue between the two Governments, and the question on which Lord Stanley has abandoned the demand of restoration has in no way prejudiced the ground on which the prisoner may now be claimed.

The doctrine laid down by the Attorney-General before the assizes of Poitiers, viz., that the Court must try the prisoner whom it finds before it, no matter how he has been brought there,—that doctrine is the direct negative of the position taken by the Lord Chancellor before the House of Lords on the 19th July last, when he said, "It has been supposed that the French Government are extremely desirous of continuing the Extradition Treaty for political purposes, because they may, by making criminal charges against particular individuals, get possession of such persons, and then try them in France for political offences. There could not be a more mistaken notion, than that any such law prevails in France. On the contrary, there is a strict law under which no person delivered up, in consequence of an Extradition Treaty, can be tried for any offence other than that in respect of which he was so delivered up. If acquitted, although he may be charged with twenty other offences, he is allowed to leave France, and to return to the country whence he was sent."

This last doctrine has been positively denied by the Attorney-General, though it is true the Court limited the trial to the charge of "faux." But it turns out be upon facts not mentioned at all in the demand of the French Consul-General, in the warrant originating the prosecution, or in the Warrant of Extradition. It seems, then, that there is a clear case for the intervention of the British Government.

No. 36.

Mr. Egerton to Mr. Mackenzie.

Sir, *Foreign Office, January* 31, 1867.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 29th instant, and its inclosure, with reference to the case of M. Lamirande; and I am to state to you in reply, that this matter is still under the consideration of Her Majesty's Government, and that, in its present stage, they cannot give you any more detailed reply to your communication.

I am, &c.
(Signed) E. C. EGERTON.

No. 37.

Mr. Fane to Lord Stanley.—(Received February 2.)

My Lord, *Paris, February* 1, 1867.

I HAVE the honour to inclose copy of an article from the "Gazette des Tribunaux," on the case of M. Lamirande.

I have, &c.
(Signed) JULIAN FANE

Inclosure in No. 37.

Extract from the "Gazette des Tribunaux."

L'Extradition de Lamirande.

NOUS avons annoncé, comme un bruit généralement répandu depuis quelques jours, que le Gouvernement Anglais se disposerait à réclamer à la France la restitution de Lamirande, dont l'extradition a été ordonnée par l'autorité judiciaire de Canada.

La nouvelle est exacte. Le Ministère de la Justice est saisis de la réclamation de l'Angleterre. Et si nous en croyons ce qui a transpiré à cet égard, le Gouvernement Anglais, prétendant que l'extradition n'aurait pas été régulièrement consentie, invoquerait deux motifs à l'appui de sa demande.

Le premier serait que, aux termes du Traité de 1843 entre la France et l'Angleterre, l'extradition ne peut être accordée que sur la demande d'un Agent Diplomatique. Or, la demande d'extradition de Lamirande a été formée par le Consul-Général de France au Canada. Les Consuls sont des Agents Commerciaux et non des Agents Diplomatiques. Selon le Gouvernement Anglais, la demande d'extradition de Lamirande n'aurait donc pas dû être accueillie, à raison de la fonction de l'Agent qui l'avait transmise.

Le second motif invoqué par l'Angleterre, pour établir l'irrégularité de l'extradition de Lamirande, serait que les faits relevés à sa charge, s'ils constituent le crime de faux d'après la loi Française, ne constituent pas le même crime d'après la loi Anglaise, et qu'aux termes du Traité de 1843, l'Angleterre ne s'est engagée à livrer les accusés que lorsque le fait relevé contre eux constituerait, d'après la loi Anglaise, un des crimes énumérés dans le Traité. Or, la loi Anglaise ne reconnaît comme faux que l'altération matérielle d'une écriture. A la différence de l'Article 47 de notre Code Pénal, elle ne qualifie pas crime de faux la fabrication de conventions, dispositions, obligations ou décharges; de sorte qu'en Angleterre Lamirande n'aurait pas été regardé comme coupable du crime de faux. La conclusion que tirerait de là le Gouvernement Anglais, c'est que l'extradition n'aurait pas dû être accordée, et il redemanderait la personne de Lamirande.

S'il est exact que l'Angleterre veuille, en réclamant la restitution de Lamirande, revenir sur une extradition qu'elle a volontairement et librement accordée, il ne nous paraît guère vraisemblable qu'elle puisse fonder sa demande sur les deux moyens qu'on prétend qu'elle invoquerait; car ils ne reposent sur aucune base solide et ne sauraient résister à un examen sérieux.

Le fait de livrer un accusé, réclamé par une Puissance étrangère, est un acte de souveraineté. Cet acte de souveraineté peut être accompli par un Gouvernement, sans qu'il ait au préalable conclu de Traité spécial avec la Puissance qui réclame le coupable. Nous n'aurions pas de Traité avec l'Angleterre pour l'extradition des malfaiteurs, que nous pourrions cependant, si des malfaiteurs Français se réfugiaient dans le Royaume Uni, en demander l'extradition; et l'Angleterre pourrait nous les rendre pour les juger en France; car, le droit d'accorder des extraditions appartient à chaque Gouvernement en vertu de sa souveraineté. Ce ne sont pas les Traités d'Extradition qui confèrent à la Puissance chez qui des malfaiteurs se sont réfugiés, le droit de les rendre au Gouvernement de leur pays. Ces Traités ont seulement pour but, de la part des Puissances Contractantes, pour la facilité de leurs relations, de constater qu'elles prennent l'engagement réciproque d'user, l'une envers l'autre, dans de certains cas et d'une certaine manière, du droit qui leur appartient d'accorder des extraditions.

Mais, parce qu'un Gouvernement aura pris envers une autre Puissance l'engagement de livrer les malfaiteurs accusés de tels ou tels crimes, lorsqu'ils seraient réclamés de telle ou telle manière,—par la voie diplomatique par exemple,—il ne s'ensuit pas que ce Gouvernement ne puisse pas, s'il le juge convenable, consentir l'extradition d'une personne accusée d'un crime non prévu au Traité, même si elle était réclamée par une autre voie que celle qui a été stipulée.

L'Angleterre était donc maîtresse absolue de livrer Lamirande, même pour un crime non prévu par la loi Anglaise, et même si la demande d'extradition était présentée par une autre personne que par un Agent Diplomatique. Lorsque, usant de son droit, elle a accordé une extradition, soit dans un cas prévu par un Traité, soit en dehors des prévisions d'un Traité, peut-elle être recevable à vouloir revenir sur le fait accompli, en modifiant l'acte de souveraineté émané d'elle-même, par lequel elle a opéré l'extradition!

Ce qu'il y aurait de plus singulier dans la réclamation de Lamirande par le Gouvernement Britannique, ce serait la contradiction que cette réclamation établirait entre les principes sur lesquels elle s'appuierait, et d'autres principes, invoqués précédemment par une partie des Membres du Parlement Anglais, et même par quelques publicistes de notre pays.

Par sa réclamation, le Gouvernement Anglais voudrait revenir sur un acte émané de lui ou de ses agents ; il voudrait réformer cet acte par le motif que ceux qui l'auraient ordonné, auraient commis une erreur de droit. Ce serait le Pouvoir Royal, représentation la plus élevée du Pouvoir Administratif, déclarant que ses agents inférieurs se sont trompés, qu'ils ont mal procédé, et voulant substituer une décision nouvelle à celle qui avait été prise d'abord.

Si les Agents Diplomatiques Anglais, agissant au nom de leur Reine, réclament un individu, livré par leur Gouvernement à une Puissance étrangère, en disant que la Reine et son Cabinet—c'est-à-dire, le Pouvoir Exécutif de d'Angleterre—regardent son extradition comme ayant été accordée à tort, et qu'ils ont décidé de l'annuler, c'est que, pour le Gouvernement Anglais lui-même, le fait d'accorder, de refuser ou d'annuler une extradition est un acte de souveraineté.

Cette doctrine n'est pas précisément celle qui a été soutenue jusqu'ici par les Anglais et par les Administrateurs passionnés de la constitution et des lois de la Grande Bretagne. On disait que chez nos voisins l'extradition était une œuvre de justice, et non une mesure administrative.

En réclamant Lamirande, le Gouvernement Anglais porterait le coup de grâce à cette doctrine ; car, si Lamirande a été livré en vertu d'une décision de justice, comment le pouvoir administratif pourrait-il s'arroger le droit de juger, d'apprécier et de réformer cette décision de justice, qui a acquis l'autorité de la chose jugée ?

Ou bien, si le Gouvernement Anglais croit que, dans les pays soumis à sa domination, l'extradition est œuvre de justice, la réclamation, dont on parle, ne s'expliquerait pas.

Car il faut noter, d'après ce qu'on dit de cette réclamation, qu'il n'y serait pas question des moyens qui ont été présentés devant la justice Française, dans l'intérêt de Lamirande. Ainsi, le Gouvernement Anglais ne se plaindrait pas de ce qu'on aurait exécuté une décision de justice, qui n'aurait pas été définitive, au mépris d'un appel, ou du droit d'appel de Lamirande. On comprendrait jusqu'à un certain point le pouvoir exécutif d'un pays, qui donne la force exécutoire aux décisions de justice, venant se plaindre de ce qu'on aurait exécuté une décision à laquelle il n'aurait pas communiqué cette force exécutoire, ou de ce que la force exécutoire, qui ne peut émaner que de lui, aurait été donnée à tort à la sentence d'un Juge. On pourrait répondre à une réclamation basée sur ces motifs, que c'était au Gouvernement réclamant de surveiller l'exécution des actes de ses tribunaux ou de ses agents administratifs sur son territoire ; mais qu'une fois les actes exécutés, il ne peut plus les réformer, alors que les personnes auxquelles ils s'appliquent, ne sont plus dans l'enclave de sa juridiction. Mais, nous le répétons, dans ce cas on pourrait comprendre la réclamation jusqu'à un certain point ; tandis que, dans la réclamation telle qu'elle serait formulée aujourd'hui, l'Angleterre reconnaîtrait qu'en la forme elle n'a pas d'objection à faire contre la décision du Juge qui a ordonné l'extradition ; elle prétendrait seulement que le Juge a mal statué, qu'il n'aurait pas dû accueillir la demande.

Que deviendrait alors ce grand principe de l'autorité de la chose jugée que tous les Gouvernements reconnaissent, proclament et respectent ?

Le Cabinet de Londres voudrait-il prétendre que l'extradition de Lamirande a été accordée au mépris de la loi Anglaise ; que, dans les pays de l'obéissance de la Couronne d'Angleterre, les extraditions ne peuvent être accordées que dans les cas prévus par la loi ; que la loi, qui règle cette matière de l'extradition à l'égard de la France, c'est le Bill qui a approuvé le Traité de 1843 ; et que ce Bill ne permettait pas d'accorder l'extradition sur la demande d'un Consul, pour un crime auquel la loi Anglaise ne reconnaissait pas le caractère du faux.

A cela il serait facile de répondre que les Puissances étrangères, qui demandent et obtiennent l'extradition des malfaiteurs réfugiés en Angleterre, n'ont pas à se préoccuper de la question de savoir si les autorités Anglaises, qui statuent sur les extraditions, ont observé ou non les lois particulières de leur pays.

Le Ministre Anglais ne peut pas, en effet, soutenir qu'il y ait eu violation des principes du droit des gens, car Lamirande n'a pas été arraché par violence ou par surprise du sol Britannique.

On comprend une réclamation diplomatique, à propos d'un fait qui a été accompli contre la volonté et au mépris des droits de la puissance qui réclame. Mais on ne s'explique guère une réclamation d'un Gouvernement à propos d'un acte qui émane de lui. Si l'extradition de Lamirande ne devait pas avoir lieu d'après la loi Anglaise, il ne fallait pas la consentir ; mais une fois cette extradition opérée, il ne doit plus être possible de la rétracter.

Aujourd'hui, la justice Française a prononcé. Elle a frappé Lamirande pour le crime de aux. Si, après la décision du jury Français, il fallait remettre Lamirande en liberté, le renvoyer en Angleterre pour qu'il pût y jouir de l'impunité de ses méfaits, ce serait un scandale public. Ce ne serait qu'en gémissant que le Gouvernement Français pourrait accueillir la

réclamation de l'Angleterre. Heureusement, il n'existe dans les Traités aucune stipulation qui oblige la France à restituer Lamirande.

Mais si, par impossible, la France se trouvait obligée à cette restitution, ce serait la condamnation la plus manifeste du Traité de 1843.

Jusqu'à présent, ce Traité était resté une lettre-morte. Le Gouvernement Français n'avait pu obtenir aucune extradition de l'Angleterre. Voici cependant qu'une extradition est accordée, à raison d'un crime qui avait vivement ému l'opinion publique. Le coupable, livré à la justice Française, est condamné par le jury de son pays, et il faudrait restituer sa personne à l'Angleterre pour l'empêcher de subir sa condamnation!

Ce Traité de 1843 entre la France et l'Angleterre, qui a été dénoncé par notre Gouvernement, et qui depuis n'a été prorogé qu'à titre provisoire, de six mois en six mois, doit être définitivement jugé.

Tout en l'invoquant dans les cas qui y étaient expressément prévus, la France, avant 1866, ne pouvait pas obtenir l'extradition des accusés réfugiés en Angleterre. Des raisons de fait empêchaient toujours les demandes d'extradition des accusés de pouvoir réussir. On ne pouvait pas non plus obtenir l'extradition des condamnés réfugiés dans les possessions Britanniques, par une raison de droit strict, tirée de ce que le Traité ne parlait que des accusés et non des condamnés. De sorte que, soit par des considérations de fait, soit par des considérations de droit, accusés et condamnés trouvaient l'impunité en Angleterre.

Aujourd'hui, il faudrait, si la réclamation était admise, que l'œuvre de la justice Française fût arrêtée dans un nouveau cas encore; car, il en résulterait l'impunité pour les accusés livrés par l'Angleterre et condamnés, après leur extradition, par nos Tribunaux.

N'y aurait-il pas lieu alors de reconnaître que l'épreuve du Traité de 1843 a été assez longue pour la dignité de la France?

(Signé) CH. DUVERDY.

(Translation.)

Extradition of Lamirande.—WE have announced, as a rumour which has been generally spread about for some days past, that the English Government was about to claim from France the restoration of Lamirande, whose extradition had been decreed by the judicial authority of Canada.

The news is true. The Ministry of Justice has the English claim before it. And if we believe what has transpired respecting this matter, the English Government, alleging that the extradition was not regularly granted, urges two reasons in support of their demand.

The first is that according to the Treaty of 1843 between France and England, extradition can only be granted upon the demand of a Diplomatic Agent. Now the demand for Lamirande's extradition was made by the French Consul-General in Canada. Consuls are Commercial, and not Diplomatic Agents. According to the English Government the demand for Lamirande's extradition should not have been received, on account of the character of the agent transmitting it.

The second reason put forward by England to show the irregularity of Lamirande's extradition is that the acts laid to his charge, even if constituting the crime of forgery according to French law, do not amount to the same crime in English law, and that by the terms of the Treaty of 1843, England has only bound herself to surrender persons accused of what, according to English law would amount to one of the crimes enumerated in the Treaty. Now, English law only recognizes as forgery an actual alteration in anything written. In contradistinction to Article 47 of our Penal Code, it does not consider the fabrication of agreements, directions, bonds, or acquittances to constitute the crime of forgery; so that in England Lamirande would not have been considered guilty of forgery. The conclusion drawn therefrom by the English Government is that the extradition ought not to have been granted, and they demand the rendition of Lamirande.

If it be true that in claiming the restoration of Lamirande, England wishes to recur to the question of an extradition voluntarily and freely granted by herself, it seems to us hardly credible that she can found her demand on the two reasons on which it is pretended she relies; for they repose on no solid basis, and could not resist a serious examination.

The surrender of an accused person when claimed by a foreign Power, is an act of sovereignty. This act of sovereignty can be carried out by a Government without having previously concluded a special Treaty with the Power claiming the culprit. Although we might have no Treaty of Extradition with England, yet, were French criminals to seek refuge in the United Kingdom, we could ask for their extradition, and England could give them up to us for trial in France; for the right of granting extraditions belongs to each

Government by virtue of its sovereignty. It is not Extradition Treaties which confer upon the Power of the country where the culprits have taken refuge, the right of surrendering them to their own Government. The only object of these Treaties is to facilitate the relations of the Contracting Powers, and to record that they reciprocally bind themselves to use towards each other, in certain cases and in a certain manner, the right which belongs to them of granting extraditions.

But because a Government shall have entered into an arrangement with another Power to surrender criminals accused of such or such crimes when claimed in such or such manner, by diplomatic means for instance, it does not follow that this Government is unable, should it think proper, to consent to the extradition of a person accused of a crime not provided for in the Treaty, even if the application be made in a manner other than that stipulated.

England had, therefore, full power to surrender Lamirande even for a crime not recognized as such by the English law, and even although the demand for extradition were presented by some one not a Diplomatic Agent. When, therefore, in the exercise of her right, she has granted an extradition, whether in a case provided for by a Treaty, or whether in a case beyond the provisions of a Treaty, is it allowable for her to recall the accomplished fact, and modify the act of sovereignty emanating from herself, by which she has effected the extradition! What is still more singular in the British Government's demand for the rendition of Lamirande is, that that demand would involve the contradiction of those principles on which they rely, and of other principles appealed to previously by one part of the members of the English Parliament, and even by some publicists of our own country.

By their demand the English Government wishes to recall an act which emanated from themselves or from their agents; they wish to revise this act on the plea that those who ordered it committed a legal error. This is for the Royal power, the highest representation of the Administrative power, to declare that its inferior agents have been deceived, that they have taken wrong proceedings, and to wish to substitute a decision different from that which had at first been taken.

If the English Diplomatic Agents, acting in the name of their Queen, demand an individual, surrendered by their Government to a foreign Power, affirming that the Queen and her Cabinet, *i.e.*, the Executive Power of England, regard his extradition as having been improperly granted, and that they have resolved to cancel it, it is because that for the English Government itself the fact of granting, refusing, or cancelling an extradition, is an act of sovereignty.

This is not precisely the same doctrine as that hitherto maintained by the English, and by the enthusiastic administrators of the constitution and laws of Great Britain. It was said that among our neighbours extradition was a judicial act, and not an administrative measure. In demanding Lamirande, the English Government would give the final blow to this doctrine; for if Lamirande has been given up in virtue of a judicial decision, how can the administrative power arrogate to itself the right to judge, appreciate, and revise that judicial decision, which has acquired the authority of a matter adjudged?

Again, if the English Government believes that, in the countries under its rule, extradition is a judicial act, there is no explanation for the talked-of demand.

For, it is to be noticed, according to what is said of this demand, that no question is raised on these points advanced before the French tribunal in the interest of Lamirande. Thus, the English Government does not complain of a judicial decision which was not definitive, having been executed in spite of an appeal, or the right of appeal, by Lamirande. We could understand, to a certain point, the executive power of a country which gives executive force to the decisions of justice, complaining of the execution of a decision to which it has not given this executive force, or that the executive force, which can only emanate from itself, has been erroneously given to the sentence of a judge. We may reply to a demand based on these pleas, that it was the business of the Government which makes the demand to watch the execution of the acts of the tribunals or of the Administrative Agents in its territory, but that, the acts once carried not, they can no longer be revised, since the persons to whom they apply are no longer within its jurisdiction. But, we repeat, in this case the demand might be intelligible to a certain point; whereas in the demand, as it is at present framed, England avows that she has no formal objection to make against the decision of the Judge who ordered the extradition—she only pretends that the Judge has given a wrong decision, that he ought not to have entertained the demand.

What becomes, then, of that grand principle of the authority of an adjudged matter, which is acknowledged, proclaimed, and respected by all Governments?

Does the Cabinet of London wish to pretend that the extradition of Lamirande has

been granted in contempt of English law; that in the country under the sway of the English Crown extraditions can only be granted in cases provided for by law; that the law which regulates this matter of extradition with respect to France is the Bill which approved the Treaty of 1843; and that this Bill does not permit the granting an extradition on the demand of a Consul for a crime which the English law does not recognize as a forgery?

To this it is easy to answer, that foreign Powers who demand and obtain the extradition of criminals who have taken refuge in England are not obliged to trouble themselves with the question whether the English authorities who decide on the extraditions have observed, or not, the special laws of their country.

The English Minister cannot, indeed, maintain that there has been a violation of the principles of international law, for Lamirande has not been taken by violence or fraud from British soil.

We can understand a diplomatic demand with reference to an act which has been done against the will or in contempt of the rights of the Power making the demand. But there is hardly any explanation for a demand by a Government with reference to an act that emanates from itself. If the extradition of Lamirande ought not to have taken place, according to the English law, its consent ought not to have been given. But extradition once effected, it cannot possibly be retracted.

French justice has now pronounced sentence. It has condemned Lamirande for the crime of forgery. If, after the decision of the French jury, it should be necessary to restore Lamirande to liberty, to send him back to England, there to enjoy with impunity the fruits of his misdeeds, this would be a public scandal. It is only with great reluctance that the French Government can entertain the demand of England. Happily there exists in the Treaties no stipulation which obliges France to restore Lamirande.

But if, through some impossibility, France found herself forced to make this restitution, this would be the most manifest condemnation of the Treaty of 1843.

Up to the present time this Treaty had remained a dead-letter. The French Government had not been able to obtain any extradition from England.

Here, however, an extradition has been granted, on account of a crime that had strongly excited public opinion. The culprit surrendered to French justice has been condemned by a jury of his country, and now we must restore him to England, in order to hinder him from undergoing his penalty!

This Treaty of 1843 between England and France, which has been denounced by our Government, and which has since only been provisionally prolonged, six months at a time, ought to be definitively adjudged. Even while appealing to it in cases which were expressly provided for in it, France, previous to 1866, was not able to obtain the extradition of accused persons who had taken refuge in England. Matters of fact have always hindered the demands for extradition of accused persons from succeeding. Neither was it possible to obtain the extradition of persons who had taken refuge in British possessions, on account of a strict legal technicality, derived from the fact that the Treaty only mentioned accused and not condemned persons. So that, whether from considerations of fact, or from considerations of law, accused and condemned were able to find impunity in England.

In this instance, were the demand admitted, it would be necessary that the operation of justice should be stopped again on a fresh ground, for the result would be impunity for accused persons delivered up by England and condemned after their extradition by our tribunals.

Would there not, then, be occasion to acknowledge that the Treaty of 1843 has been tried long enough for the dignity of France?

(Signed) CH. DUVERDY.

No. 38.

Mr. Fane to Lord Stanley.—(Received February 27.)

(Extract.) *Paris, February 25, 1867.*

THE brother of M. Lamirande called upon me this day for the purpose of placing in my hands two letters addressed to Earl Cowley, copies of which I have the honour to inclose. The one is from M. Lamirande himself, withdrawing the application made by him to Lord Cowley in September last, that Her Majesty's Government would demand his surrender by the French Government; the other, which is signed by the father and brother of M. Lamirande, transmits his letter and approves its contents.

M. Lamirande's brother, in delivering these letters to me, gave expression to the strong desire entertained by his family to put a term to the unhappy notoriety which attached to their name, by causing all further action in his brother's case to be abandoned.

I told him that I would acquaint your Lordship with the contents of the letters he had placed in my hands.

Inclosure 1 in No. 38.

MM. G. C. and C. S. Lamirande to Earl Cowley.

M. l'Ambassadeur, *Châtellerault, le Février,* 1867.

J'AI l'honneur de vous transmettre ci-incluse une lettre de mon fils, Ernest Lamirande, par laquelle il retire la demande qu'il avait adressée en Septembre dernier à votre Excellence à l'effet d'être reclamé par le Gouvernement de la Grande Bretagne.

J'ai voulu me charger moi-même d'adresser à votre Excellence cette déclaration, dans laquelle nous constatons avec satisfaction, ma famille et moi, le désir de mon malheureux fils, de nous éviter la continuation de pénibles émotions, en mettant un terme au bruit scandaleux dont notre nom a été l'objet.

Nous l'eussions vu d'ailleurs avec peine s'éloigner de nous, dont l'influence sur lui ne peut être que salutaire ; nous aurions craint que rendu à la liberté, il n'en fît peut-être un emploi qui lui eût interdit pour l'avenir l'espoir de sa réhabilitation.

C'est donc avec notre agrément qu'il retire sa demande et qu'il a renoncé très librement du reste, et d'une manière toute spontanée, je suis heureux de lui rendre cette justice, au bénéfice de la restitution de sa personne que le Gouvernement de la Grande Bretagne eût pu obtenir du Gouvernement Français.

Mon fils le plus jeune, qui signe avec moi cette lettre, s'associe pleinement aux sentiments qu'elle exprime.

Daignez, &c.
(Signé) C. G. LAMIRANDE.
C. S. LAMIRANDE.

(Translation.)

M. l'Ambassadeur, *Châtellerault, February* , 1867.

I HAVE the honour to transmit to you herewith a letter from my son, Ernest Lamirande, in which he withdraws the request which he had addressed in September last to your Excellency, with the object of his surrender being claimed by the Government of Great Britain.

I am desirous myself of addressing this declaration to your Excellency in which my family and I record with satisfaction the desire of my unhappy son to spare us the continuation of painful emotions by putting an end to the disgraceful notoriety of which our name has been the subject.

Moreover, we should with sorrow have seen him separate himself from us whose influence over him cannot be otherwise than salutary. We should have feared that, restored to liberty, he would, perhaps, have turned it to account in such a manner as would have shut out all hope for the future of his reinstatement in his former position.

It is, then, with our concurrence that he recalls his request, and that he, moreover, freely and quite spontaneously (I am glad to do him this justice) gives up the advantages of his restoration to liberty which the Government of Great Britain might have succeeded in obtaining from the French Government.

My youngest son, who signs this letter with me, fully joins in the sentiments which it expresses.

I have, &c.
(Signed) C. G. LAMIRANDE.

Inclosure 2 in No. 38.

M. E. S. Lamirande to Earl Cowley.

M. l'Ambassadeur, *Fontevrault, le* 19 *Février,* 1867.

A MON arrivée du Canada, dans le courant du mois de Septembre dernier, j'ai eu l'honneur d'adresser de Paris à votre Excellence une demande tendant à obtenir que le

Gouvernement de la Grande Bretagne voulût bien me réclamer au Gouvernement Français et me faire rendre à la liberté.

Décidé à me soumettre entièrement aux décisions de la justice de mon pays, je viens aujourd'hui retirer formellement ma demande, et vous prier de vouloir bien la considérer comme nulle et non avenue.

Cette resolution que je prends, après mûre réflexion, m'est dictée par le repentir de mon crime, et plus encore par mon affection pour ma famille, dont l'intérêt me commande de faire cesser la triste publicité à laquelle j'ai trop longtemps livré son nom.

Veuillez, M. l'Ambassadeur, transmettre la présente déclaration au Gouvernement de Sa Majesté Britannique.

J'ai, &c.
(Signé) E. S. LAMIRANDE.

(Translation.)

M. l'Ambassadeur, *Fontevrault, February* 19, 1867.

ON my arrival from Canada in the month of September last, I had the honour of addressing to your Excellency from Paris a request, with the view of inducing the Government of Great Britain to claim my surrender from the French Government and have me set at liberty.

Having decided to submit in every way to the judicial decision of my country, I now formally withdraw my request, and beg you to have the goodness to consider it as null and void.

This determination, which I have formed after mature reflection, is dictated to me by repentance for my crime, and still more by affection for my family, whose interest bids me put an end to the unhappy notoriety to which I have too long subjected their name.

Have the goodness, M. l'Ambassadeur, to transmit the present declaration to Her Britannic Majesty's Government.

I have, &c.
(Signed) E. S. LAMIRANDE.

No. 39.

Mr. Fane to Lord Stanley.—(*Received March* 4.)

My Lord, *Paris, March* 3, 1867.

I HAVE the honour to forward herewith to your Lordship copy of a despatch and its inclosures which I received last night from the Marquis de Moustier, in reply to the note I addressed to his Excellency on the 14th of January last, conveying an application on the part of Her Majesty's Government for the surrender of M. Lamirande.

M. de Moustier commences his despatch by recording a formal declaration made by M. Lamirande to the Imperial Government that he voluntarily renounces all claim to his surrender, and that he wishes to remain in France to undergo the punishment awarded to him. His Excellency transmits to me the written declarations which establish this fact, and states that Her Majesty's Government will probably consider that these documents should put an end to the discussion of which M. Lamirande is the object.

M. de Moustier is, however, of opinion that it may be useful to examine the judicial questions raised by Her Majesty's Government, and he proceeds accordingly to a categorical consideration of them. The conclusions at which his Excellency arrives may be thus summarily stated:

1. That the omission to demand the extradition through a Diplomatic Agent, even if such a course were invariably followed, cannot be invoked, after the fact, to annul the extradition. That such demands are in certain cases made by Great Britain herself through other than a Diplomatic Agent.

2. That, if the crime for which Lamirande was surrendered does not constitute "forgery" according to the English law, the doctrine affirming this proposition has not yet been established.

3. That the decision of Judge Bréhaut argues the regular application of the Treaty, and that no argument can be sustained on the pretended right of appeal from his judgment.

4. That Lamirande, before the Court of Assize of La Vienne, accepted in principle the jurisdiction of his country.

His Excellency concludes by expressing the hope of the Emperor's Government that

Her Majesty's Government will appreciate the considerations embodied in his despatch, and will acknowledge that they are just in principle; since, in point of fact, Lamirande having formally declined to take advantage of the results that would accrue from his surrender, the question no longer possesses any but a theoretical interest.

I have, &c.

(Signed) JULIAN FANE.

Inclosure 1 in No. 39.

M. de Moustier to Mr. Fane.

Monsieur, *Paris, le* 1 *Mars*, 1867.

VOUS m'avez fait l'honneur de m'écrire, le 14 Janvier dernier, pour demander, au nom du Gouvernement de la Reine, la restitution du condamné Lamirande, comme ayant été indûment livré à la justice Française.

Au moment où je me disposais à répondre à cette communication, M. le Ministre de la Justice m'a annoncé que Lamirande venait d'écrire spontanément à M. le Procureur-Général de Poitiers pour déclarer qu'il renonçait à toute restitution de sa personne.

Depuis lors il a écrit à M. Baroche pour renouveler la même démarche en termes plus explicites encore, et j'apprends que son frère s'est récemment présenté à l'hôtel de l'Ambassade pour vous confirmer par ses explications la teneur des déclarations du condamné dont il était porteur.

Aucun doute ne peut donc s'élever sur la volonté formelle de Lamirande de rester en France pour y subir sa peine, et les actes qui constatent cette intention seront probablement considérés par le Gouvernement Britannique comme devant mettre fin au débat dont sa personne est l'objet.

Toutefois je ne crois pas inutile d'examiner les questions juridiques soulevées par votre communication.

La réclamation du Gouvernement de la Reine est basée sur deux motifs:

Premièrement, la demande d'extradition concernant Lamirande n'aurait pas été faite par l'intermédiaire d'un Agent Diplomatique, tel que l'exigent le Traité et le statut Britannique qui donne au Traité force de loi.

Secondement, le crime pour lequel Lamirande a été livré ne constituerait pas le crime de faux ("forgery") prévu par le Traité.

Pour ce qui est du premier point, nous reconnaissons volontiers que la lettre du Traité ne mentionne que les Agents Diplomatiques; mais doit-on l'interpréter dans un sens absolument exclusif de la compétence d'agents placés dans les conditions où se trouvait le Consul-Général de France à Quebec? Si une telle interprétation devait prévaloir, elle ne pourrait que révéler une nouvelle et regrettable lacune dans le Traité de 1843; et, à ce sujet, je dois rappeler d'abord qu'en fait, dans le cas actuel, les agents chargés de poursuivre Lamirande et porteurs du mandat lancé contre lui n'auraient pu requérir, à leur passage par l'Angleterre, ainsi que le suppose votre lettre, l'intervention de l'Ambassadeur de France à Londres, attendu que, à ce moment, l'accusé était réfugié non sur le territoire Britannique, mais aux Etats-Unis. Les mêmes agents sont passés ensuite, comme le fugitif, du sol Fédéral, directement au Canada, et la prompte réquisition adressée par notre Consul-Général au Gouverneur de cette Colonie pouvait seule rendre l'extradition possible.

Cet incident montre au contraire combien le concours des Agents Consulaires peut être indispensable dans les cas d'urgence, en même temps que la nécessité d'une interprétation s'inspirant avant tout de l'esprit de conciliation pratique qui doit présider à l'exécution des actes internationaux.

D'autre part l'extradition accordée en dehors d'une demande formulée par la voie diplomatique n'a en elle-même rien de contraire à la pratique suivie dans certaines circonstances par la Grande Bretagne, soit vis-à-vis de la France, soit vis-à-vis d'autres Puissances.

Jusqu'à ce jour l'extradition s'est effectuée entre les Colonies Françaises et Anglaises sur la simple demande des Gouverneurs, sans qu'on aît eu recours à la voie diplomatique et sans que le Gouvernement Britannique aît jamais protesté contre cette manière de procéder.

Récemment, en 1863, l'Angleterre a établi avec l'Italie, relativement à Malte, un accord duquel il résulte que les demandes d'extradition peuvent être formulées par les Agents Consulaires.

Enfin, la clause du Traité Anglo-Américain de 1842, qui a trait à l'extradition entre

les deux pays, laisse supposer, ainsi que vous le reconniassez, que la faculté de requérir la remise des criminels n'est nullement limitée aux Agents Diplomatiques proprement dits.

Votre lettre, il est vrai, invoque précisément à l'appui de l'opinion qui exclut l'intervention des Consuls Français les termes du Statut passé le 22 Août, 1843, pour la mise à exécution du Traité Anglo-Américain, termes plus étendus que ceux du statut adopté, à la même date, pour donner force de loi au Traité Anglo-Français, et vous inférez des différences de texte qui résultent de ce rapprochement que l'intention des négociateurs des deux Traités aurait été, dans un cas, d'admettre l'intervention des Consuls, et, dans l'autre, de les écarter.

A notre sens, les différences de textes qui existent entre les deux Statuts et les deux Traités s'expliquent par des raisons de nature diverse, mais dont aucune ne permet de supposer que les Parties Contractantes aient entendu admettre les Consuls dans un cas, et les exclure dans l'autre.

En fait, le Traité Anglo-Américain est antérieur de huit mois au Traité Anglo-Français, et, si les deux Statuts, quoique du même jour, diffèrent dans leur rédaction, c'est sans doute parce qu'on a voulu mettre chacun d'eux en harmonie avec les termes du Traité auquel il se réfère. Quant aux différences de texte qui existent entre les Traités mêmes l'Article du Traité Anglo-Américain ne figure pas dans une Convention spéciale d'extradition. Cet Article, occasionnellement introduit dans un Traité de Délimitation avec le Canada, conclu à Washington, désigne, en effet, d'une manière générale, les autorités de chaque pays comme aptes à requérir l'extradition, tandis que tous les Traités spéciaux sur la matière, conclus par l'Angleterre avec d'autres Puissances, France, Prusse, Danemark, emploient l'expression "Agents Diplomatiques." Mais cette formule ne peut avoir qu'une portée indicative; car quelle raison pourrait-on invoquer pour justifier l'admission des Consuls des Etats-Unis tandis qu'on exclurait ceux des autres Puissances?

Mais si l'on suppose même que le Traité de 1843, en se servant du mot "Agents Diplomatiques," ait eu pour but de tracer une règle invariable, il ne s'en suivrait pas que, lorsque la remise de l'inculpé a été effectuée, et surtout après que la justice étrangère a prononcé, l'extradition dût être annulée pour cette irrégularité. En nous plaçant avec le Gouvernement de la Reine sur le terrain de droit strict, il nous est permis de faire observer que, généralement, en matière de procédure, les formalités ne sont une cause de nullité qu'autant que la loi l'a formellement déclaré, ou que l'irrégularité signalée porte atteinte à un principe général de droit reconnu dans un pays. Or, d'une part, le Traité ne contient rien sur les conséquences attachées à l'inobservation de la voie diplomatique, et, de l'autre, cette même inobservation est admise par l'Angleterre avec les Etats Unis, d'une manière générale, avec l'Italie pour Malte, enfin avec la France elle-même dans les rapports des Colonies Françaises et Anglaises.

Le Gouvernement de la Reine allègue, en second lieu, que les faits imputés à Lamirande ne constitueraient pas le crime de faux ou "forgery" prévu par le Traité, en ce sens qu'il n'y a pas faux d'après la loi Anglaise.

Nous n'entendons point affirmer *à priori* que les faux commis par Lamirande soient prévus et punis par la législation Anglaise; mais il y a lieu de considérer que le Gouvernement de la Reine ne produit à l'appui de sa thèse aucun texte ni aucun avis officiel et motivé émanant d'une autorité judiciaire, tandisque, au contraire, il y a chose jugée dans notre sens, la décision du Juge Bréhaut créant une présomption grave et sérieuse en faveur de légitimité de l'extradition.

Au reste, en nous attachant au sens littéral du Traité de 1843, l'extradition de Lamirande nous parait parfaitement régulière.

Que dit, en effet, le Traité? Que l'extradition s'effectuera de la part de l'Angleterre "sur le rapport d'un juge ou magistrat commis à l'effet d'entendre le fugitif sur les faits mis à sa charge par le mandat d'arrêt."

Ce rapport a été fait par le Juge Bréhaut, et c'est sur ce rapport que le Gouverneur de Canada a livré l'accusé. Nous étions donc dans les termes du Traité; on oppose, il est vrai, qu'il y avait appel devant un juge supérieur. Mais, strictement, d'après la lettre du Traité, nous sommes fondés à soutenir que ce droit d'appel n'existe pas, et, en effet, si ce droit existe, faudra-t-il que le Gouvernement qui réclame un accusé à l'Angleterre le suive devant tous les degrés de juridiction qu'admet la procédure Anglaise? Ce résultat n'est point à craindre, sans doute, quand il s'agit d'un coupable sans ressources. Mais mille moyens de procédure sont offerts, Lamirande en est la preuve, à celui qui a trouvé dans son crime même les éléments de richesse propres à faire face à ces dépenses, de sorte que, en fin de compte, par un renversement de toute idée de justice, les chances d'extradition seront parfois en raison inverse de la grandeur du crime.

En tout cas, pour en revenir à l'espèce actuelle, on ne peut alléguer l'avis contraire du Juge Drummond pour l'opposer à celui du Juge Bréhaut, parce que cet avis, rendu

après coup, en dehors de la présence des parties, dépourvu d'impartialité d'ailleurs, s'il faut en croire tous les comptes-rendus publiés à cette occasion, ne saurait avoir la valeur d'une décision de tribunal d'appel.

En présence de la chose jugée, l'opinion des jurisconsultes qui ont été appelés à donner un avis autorisé, pourrait seule nous fixer sur le point de droit, le point de fait n'ayant point été l'objet d'une vérification contradictoire :—Il est pour nous d'une importance majeure de pouvoir vérifier si les falsifications qui en France entrainent une peine criminelle, et que la Cour d'Assises de la Vienne a frappées de dix ans de réclusion, ne constituent pas un crime de faux d'après la loi Anglaise.

Une autorité Coloniale Anglaise s'est crue suffisamment saisie par la réquisition de notre Consul-Général pour délivrer un warrant au juge compétent. Celui-ci a rendu un jugement exécuté par la même autorité administrative avant toute décision contraire d'un autre tribunal dont l'œuvre tardive n'a aucune valeur légale. L'extradé a séjourné sept jours sur un bâtiment Anglais, et trois autres jours sur le sol Anglais de Liverpool à Londres, escorté par des agents Anglais. Des conférences ont eu lieu entre des magistrats, des attorneys et les agents Anglais. Enfin il est certain que des membres du Cabinet Anglais ont été interpellés par dépêches télégraphiques et ont eu à répondre aux réclamations des officieux qui se donnaient la mission d'agir pour Lamirande. Tels sont les précédents après lesquels la restitution de l'extradé est réclamée sous prétexte d'erreurs, soit du Gouverneur-Général du Canada, soit du juge qui a statué.

Il y encore lieu de noter que Lamirande, qui a avoué à l'audience ses vols et ses faux, ne s'est même pas pourvu en cassation contre l'arrêt qui l'a frappé. Enfin Lamirande a accepté le débat sur les faux, ainsi que cela résulte d'une déclaration formelle de sa part déposée publiquement à l'audience de la Cour d'Assises.

Vous trouverez ci-joint une copie de cette pièce. Elle prouve qu'après les contestations de son avocat en date du 3 Décembre, Lamirande a accepté, le 4, le débat sur les faux et, en cas d'acquittement même, sur les vols, de sorte que son acquiescement nous aurait obligés à le garder, s'il eût été acquitté, et à le juger sur les accusations que le respect des Traités nous empêchait de sommettre au jury dès l'ouverture de la session.

En résumé : Le défaut de demande par la voie diplomatique, fût-elle un règle invariable, ne saurait être invoqué après coup pour annuler l'extradition. La règle contraire est d'ailleurs pratiquée dans certains cas par la Grande Bretagne.

Si le faux pour lequel Lamirande a été livré n'est pas un faux d'après la loi Anglaise, c'est une doctrine qui reste à établir.

Il y a, au contraire, chose jugée en faveur de l'application régulière du Traité, et on ne saurait arguer du prétendu jugement d'appel. Lamirande a accepté, en principe, la juridiction de son pays devant la Cour d'Assises de la Vienne.

Le Gouvernement de l'Empereur est donc fondé à espérer que le Cabinet Anglais appréciera cet ensemble de considérations et les reconnaîtra comme justifiées en principe ; car, en fait, Lamirande ayant renoncé formellement au bénéfice de la restitution, la question n'a plus qu'un intérêt théorique.

J'ai l'honneur de vous communiquer ci-annexée une copie certifiée de la lettre adressée le 10 Fevrier, par Lamirande, à M. le Procureur-Général de Poitiers, ainsi que sa seconde lettre du 19 à M. le Garde des Sceaux, et une autre de son père du 20.

Agréez, &c.

(Signé) MOUSTIER.

(Translation.)

Sir, *Paris, March* 1, 1867.

YOU did me the honour of writing to me on the 14th of January last, to request in the name of the Government of the Queen the surrender of the condemned prisoner Lamirande, as having been unduly given up to French justice.

When I was on the point of answering that communication, the Minister of Justice informed me that Lamirande had just written of his own accord to the Procureur-Général of Poitiers to declare that he renounced all claim to his surrender. Since then he wrote to M. Baroche to renew that declaration in terms still more explicit; and I learn that his brother recently called at the Embassy in order to ratify and explain to you the purport of the convicted prisoner's declarations of which he was the bearer. There can be no doubt, therefore, as to the formal wish of Lamirande to remain in France to undergo his sentence, and the British Government will probably consider that the documents which establish that intention should put an end to the discussion of which he is the object.

Nevertheless I do not believe it useless to examine the legal questions raised by your communication.

The demand of the Queen's Government is based on two grounds :—

First, that the application for Lamirande's extradition was not made through the intervention of a Diplomatic Agent, such as is required by the Treaty and by the British Statute giving effect to the Treaty.

Secondly, that the crime for which Lamirande was given up did not constitute the crime of forgery ("faux") contemplated by the Treaty.

In regard to the first point, we allow willingly that the text of the Treaty only mentions Diplomatic Agents; but ought it to be interpreted in a sense absolutely excluding the competency of agents placed in a similar position to that of the French Consul-General at Quebec? If such an interpretation should prevail, it could only reveal a new and lamentable omission of the Treaty of 1843; and in regard to this I must first call to mind that in point of fact, in the present instance, the persons charged with the pursuit of Lamirande, who were the bearers of the warrant issued against him, could not have requested on their way through England, as your letter supposes, the intervention of the French Ambassador in London, inasmuch as at that time the accused had fled not to British territory, but to the United States. The same persons afterwards, like the fugitive, went over direct from Federal soil into Canada, and it was the prompt requisition alone addressed by our Consul-General to the Governor of that Colony which could have made the extradition possible.

That incident, on the contrary, shows how indispensable in cases of urgency the action of Consular Agents may be, and at the same time the necessity of an interpretation breathing above all things that spirit of practical conciliation which should preside over the execution of international acts.

Besides, an extradition granted without a request made through a diplomatic channel has nothing in itself opposed to the practice followed under certain circumstances by Great Britain either towards France or other countries.

To this day extradition is carried out in French and English colonies on the simple request of the Governor, without recourse having been made to a diplomatic channel, and without the British Government ever having protested against that way of proceeding.

Recently, in 1863, England entered into an agreement with Italy respecting Malta, whereby applications for extradition could be made by Consular Agents.

Lastly, the clause of the Anglo-American Treaty of 1842, which refers to extradition between the two countries, leaves it to be supposed, as you allow, that the power of requesting the surrender of criminals is by no means limited to Diplomatic Agents, properly so called. Your letter, it is true, invokes especially, in support of the opinion which would exclude the intervention of French Consuls, the terms of the statute passed on the 22nd of August, 1843, for carrying into effect the Anglo-American Treaty—terms more comprehensive than those of the statute passed the same date to give the force of law to the Anglo-French Treaty; and you deduce from the discrepancies of text which result from this comparison that the intention of the negotiators of the two Treaties must have been, in the one case, to admit the intervention of Consuls, and in the other to shut them out.

In our opinion the discrepancies in the text which exist between the two statutes and the two Treaties are explained by reasons of an opposite nature, but of which neither admits of the supposition that the Contracting Parties intended to admit Consuls in the one case and to exclude them in the other.

In fact, the Anglo-American Treaty is anterior by eight months to the Anglo-French Treaty, and if the two statutes, although of the same date, differ in their wording, it is doubtless because it was intended to frame each in harmony with the terms of the Treaty to which it refers. As regards the discrepancies of text which exist between the Treaties themselves, the Article of the Anglo-American Treaty does not figure in a special Extradition Convention. This Article, casually introduced into a Boundary Treaty with Canada, concluded at Washington, designates, in fact, generally, the authorities of each country who can properly demand extradition, whilst all the specific Treaties on this subject, concluded by England with other Powers, France, Russia, Denmark, use the expression "Diplomatic Agents." But this form of expression can have but one meaning; for what reason could be invoked to justify the admission of the Consuls of the United States whilst those of other Powers were excluded?

But even if we suppose that the Treaty of 1843 by the use of the words "Diplomatic Agents" intended to lay down an invariable rule, it would not follow, after the accused has been handed over, and above all after foreign justice had pronounced its decision, that the extradition should be annulled on account of that irregularity.

Whilst placing ourselves with the Government of the Queen upon the ground of strict right, we may be allowed to observe that generally, in matters of legal procedure, formalities are only a source of invalidity, in so far as the law has formally declared them

to be so, or when the irregularity in question attacks a general legal principle recognized in the country. Now, in the first place, the Treaty contains nothing upon the consequences entailed by the non-observance of the diplomatic channel; and, in the second place, this same non-observance is sanctioned by England towards the United States, in a general manner towards Italy for Malta, and, lastly, towards France herself in the relations between the French and English Colonies.

The Government of the Queen alleges, in the second place, that the acts imputed to Lamirande would not constitute the crime of "faux," or forgery, as contemplated by the Treaty, inasmuch as there is no forgery according to the law of England.

We have no intention of affirming *à priori* that the forgeries committed by Lamirande are foreseen and punished by English legislation; but we are justified in taking into our consideration that the Government of the Queen brings to the support of its position no reference nor any official opinion originated by or emanating from a judicial authority, whilst, on the contrary, in our opinion the decision of Judge Bréhaut is a settled fact, creating a grave and serious presumption in favour of the legitimacy of the extradition.

Moreover, in adhering to the literal meaning of the Treaty of 1843, Lamirande's extradition appears to us perfectly regular.

What, in fact, does the Treaty say? That the extradition shall be carried out on the part of England "on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest."

This report has been made by Judge Bréhaut, and it is upon this report that the Governor of Canada has handed over the accused. We were therefore within the term of the Treaty; it is true, that it is argued that there existed an appeal to a superior Judge. But, strictly, according to the letter of the Treaty, we are justified in maintaining that this right of appeal does not exist; and indeed, if this right does exist, is it requisite for the Government which claims an accused person from England to pursue him through all the judicial steps authorized by the forms of English law?

This result, doubtless, is not to be feared when it is a question of a criminal destitute of resources.

But Lamirande is the proof that a thousand ways of procedure are open to him who has found by his crime itself the elements of riches necessary to meet his expences, so that at last by a complete subversion of justice the chances of extradition will some time be in an inverse ratio to the magnitude of the crime.

At all events, to return to the actual case, the antagonistic opinion of Judge Drummond cannot be alleged in opposition to that of Judge Bréhaut, since that opinion given, too late, in the absence of the parties, wanting moreover in impartiality, if all the reports published on that occasion are to be believed, cannot have the force of a decision by a Court of Appeal.

Having before us the matter adjudged, the opinion of the lawyers who have been called upon to consider the question could alone determine us on the point of law, the point of fact never having been the subject of adverse examination. It is of greater importance for us to be able to discover whether the falsifications which in France entail a criminal punishment, and which the Court of Assize of Vienne has chastised by ten years of confinement, does not constitute the crime of forgery according to the English law.

An English Colonial authoritity thought himself sufficiently justified by the requisition of our Consul-General in delivering a warrant to the proper judge. The latter gave a decision which was executed by the same administrative authority before the appearance of any contrary decision of another tribunal, whose tardy proceedings have no legal value.

The person thus given up remained seven days in an English vessel and three more days on English soil, between Liverpool and London, escorted by English agents. Conferences were held between the magistrates, the attorneys, and the English agents. Lastly, it is certain that members of the English Cabinet were questioned by means of telegraphic despatches, and had to answer the objections of the officials who took upon themselves to act for Lamirande.

Such are the antecedents, after which the restitution of the person thus given up is claimed, under the pretext of errors committed by the Governor-General of Canada or by the Judge who gave the decision.

There is, moreover, occasion to remark that Lamirande, who has confessed his theft and forgery, has not even appealed against the sentence inflicted on him. Finally, Lamirande has accepted the trial on the charge of forgery, as appears from a formal declaration on his part, publicly given in the session of the Court of Assize

You will find annexed a copy of this document. It proves that, according to the statement of his counsel, dated December 3, Lamirande accepted, on the 4th, the trial on the charge of forgery, and, even in the case of acquittal, upon that of theft; so that his

acquiescence would have obliged us to keep him, had he been acquitted, and to try him on those charges which respect for the Treaties prevented us from submitting to the jury from the opening of the session.

To recapitulate: The omission to make the demand through a diplomatic channel, even were it an invariable rule, could not be urged *post facto* to annul the extradition.

The contrary rule is, moreover, practised in certain cases by Great Britain. If the forgery for which Lamirande has been surrendered is not forgery according to English law, it is a doctrine which remains to be established.

There is, on the contrary, a decision in favour of the regular application of the Treaty, and we cannot argue on the pretended judgment of appeal. Lamirande has accepted, in principle, the jurisdiction of his country before the Court of Assize at Vienne.

The Government of the Emperor has, therefore, reason to hope that the English Cabinet will appreciate these various arguments, and will acknowledge them as justified in principle; for, in fact, Lamirande having formally given up his claim to the benefit of surrender, the question has no longer any but a theoretical interest.

I have the honour to transmit to you, herewith, a certified copy of the letter addressed on February 10th by Lamirande to the Procureur-Général of Poitiers, as well as his second letter of the 19th to the Keeper of the Seals, and another from his father of the 20th.

(Signed) MOUSTIER.

Inclosure 2 in No. 39.

Déclaration of M. E. S. Lamirande.

JE soussigné, Surreau Lamirande (Ernest Charles Constant), déclare solennellement que si le verdict du jury qui doit statuer sur les faux qui me sont reprochés et que je proteste n'avoir jamais eu l'intention de commettre est négatif, je n'entends en aucune manière profiter du bénéfice du Traité d'Extradition avec Angleterre; que je demande au contraire dans cette hypothèse à être jugé par la Cour d'Assises de la Vienne pour les faits de détournement et de vol qui sont relevés contre moi par l'arrêt de la Chambre des mises en accusation.

Je suis donc prêt à me constituer prisonnier et je prie mes défenseurs de déposer cette déclaration entre les mains de M. le Procureur Général.

Poitiers, le 4 *Décembre*, 1866.

(Signé) E. S. LAMIRANDE.

(Translation.)

I, THE undersigned Surreau Lamirande (Ernest Charles Constant), declare solemnly that, if the verdict of the jury who are to decide on the forgery which is imputed to me, and which I protest never having intended to commit, is in the negative, I do not intend in any way to profit by the benefit of the Extradition Treaty with England; that I demand, on the contrary, under this hypothesis, to be judged by the Court of Assize of Vienne for the acts of embezzlement and of theft which have been brought against me by the decree of the Chamber of indictment.

I am, then, ready to constitute myself a prisoner, and I beg my counsel to place this declaration in the hands of M. le Procureur-Général.

(Signed) E. S. LAMIRANDE.

Poitiers, December 4, 1866.

Inclosure 3 in No. 39.

M. E. S. Lamirande to M. Damay.

M. le Procureur-Général, *Fontevrault, le* 10 *Février*, 1867.

J'APPRENDS à l'instant que le Gouvernement Anglais a adressé une demande en restitution de ma personne au Gouvernement Français. Desireux d'éviter la continuation d'une publicité pénible pour ma famille et bien décidé à expier mon crime, en subissant la peine qui m'a été infligée par la justice de mon pays, je déclare renoncer, formellement, dès aujourd'hui, au bénéfice de cette restitution, si elle devait avoir lieu.

Je viens vous prier de vouloir bien transmettre la présente déclaration à son Excellence M. le Garde de Sceaux.

J'ai, &c.

(Signé) E. S. LAMIRANDE.

(Translation.)

M. le Procureur-Général, *Fontevrault, Febrary* 10, 1867.

I HAVE just learnt that the English Government have addressed a demand to the French Government for the surrender of my person. Being desirous of avoiding the continuance of a publicity painful to my family, and quite decided to expiate my crime, by submitting to the penalty which has been inflicted on me by the justice of my country, I declare that I formally renounce, from to-day, benefit from that surrender, if it should take place.

I now beg you to have the goodness to transmit the present declaration to his Excellency the Keeper of the Seals.

(Signed) E. S. LAMIRANDE.

Inclosure 4 in No. 39.

M. E. S. Lamirande to the Keeper of the Seals, Minister of Justice.

M. le Ministre, *Fontevrault, le* 19 *Février*, 1867.

J'AI l'honneur de vous informer que je renonce d'avance et de la manière la plus formelle à la liberté que pourrait me rendre, si elle réussissait, la demande formée par le Gouvernement Anglais en restitution de ma personne.

Ma renonciation a pour mobiles l'intérêt de ma famille, à laquelle je désire éviter la continuation d'une publicité bien pénible pour elle et le repentir sincère et complet par lequel je veux tâcher d'expier mon crime.

Cette détermination est de ma part parfaitement libre et réflective.

C'est donc de mon propre mouvement, indépendamment de toute influence, que je déclare me sommettre aux décisions de la justice Française et en accepter, sans réserve et sans arrière-pensée, toutes les conséquences.

J'ai, &c.

(Signé) E. S. LAMIRANDE.

(Translation.)

M. le Ministre, *Fontevrault, February* 19, 1867.

I HAVE the honour to inform you that I renounce beforehand, and in the most formal manner, the liberty which the demand framed by the English Government for the surrender of my person, if it were successful, might restore to me.

The motives of my renunciation are the interest in my family, for whom I wish to avoid the continuance of a publicity very painful to them, and the sincere and complete repentance by which I wish to try and expiate my crime.

This determination on my part is perfectly free and deliberate.

It is, then, by my own deed, independently of any influence, that I declare my submission to the decisions of French justice, and acceptance, without reserve and without *arrière pensée*, of all its consequences.

(Signed) E. S. LAMIRANDE.

Inclosure 5 in No. 39.

MM. C. G. and C. S. Lamirande to the Keeper of the Seals, Minister of Justice.

M. le Ministre, *Chatellerault, le* 20 *Février*, 1867.

J'AI l'honneur de vous adresser ci-incluse une lettre de mon fils, Ernest Lamirande, par laquelle il renonce d'avance au bénéfice de la demande du Gouvernement Anglais en restitution de sa personne.

Si quelque chose pourrait réparer le mal que ce malheureux fils m'a fait, ainsi qu'à ma famille, ce serait son repentir. Aussi voyons nous avec satisfaction cette détermination, que je m'empresse de transmettre à votre Excellence.

Elle aura un résultat auquel nous attachons un grand prix, celui de faire cesser enfin le bruit qui s'est produit autour de notre nom.

De plus elle indique un retour à de bons sentiments puisqu'elle a le mérite de la spontanéité et qu'elle est inspirée par l'intérêt de sa famille et par un sincère désir d'expiation. J'ose espérer, M. le Ministre, que le repentir dont fait preuve aujourd'hui mon malheureux fils lui créera pour plus tard un titre à la clémence de Sa Majesté l'Empereur.

Mon plus jeune fils qui signe avec moi cette lettre partage tous les sentiments qui y sont exprimés.

Veuillez, &c.

(Signé) C. G. LAMIRANDE, *Ancien Magistrat.*
C. S. LAMIRANDE.

(Translation.)

M. le Ministre, *Châtellerault, February* 20, 1867.

I HAVE the honour to address to you the inclosed letter from my son, Ernest Lamirande, by which he gives up, in anticipation, all claim to the benefits of the demand by the English Government for the surrender of his person.

If anything could repair the harm which this unhappy son has done to me as well as to my family, it would be his repentance.

Therefore we regard with satisfaction this determination, which I hasten to transmit to your Excellency.

It will have a result to which we attach great value—that of putting a stop at last to the reports which have been circulated in connection with our name.

In addition, it indicates a return to proper feeling, since it possesses the merit of being spontaneous, and of being inspired by interest in his family and by a sincere desire for expiation.

I venture to hope, M. le Ministre, that the repentance of which my unhappy son now gives a proof will create for him at some future time a claim on the indulgence of His Majesty the Emperor.

My youngest son, who signs this letter with me, shares all the sentiments which are expressed therein.

(Signed) C. G. LAMIRANDE, *ex-Magistrate.*
C. S. LAMIRANDE.

No. 40.

Lord Stanley to Earl Cowley.

My Lord, *Foreign Office, March* 20, 1867.

MR. FANE transmitted to me in his despatch of the 25th of February two letters from M. Lamirande and from his family, withdrawing the application that the former had made in his letter of the 11th of September last, for the interference of Her Majesty's Government to obtain his release as having been unduly given up to the French Government under the Extradition Treaty of the 13th of February, 1843.

Mr. Fane further transmitted to me in his despatch of the 3rd instant the answer of the French Government to the application, which, by my instruction of the 12th of January last, he was instructed to make for the surrender of M. Lamirande.

Whatever exception Her Majesty's Government might, under other circumstances, have felt disposed to take to the statements made by M. de Moustier in this answer, with the view of controverting the grounds on which they rested their application, the request now made by M. Lamirande himself, and by his family, that the application should be withdrawn, would render it a matter of great difficulty on the part of Her Majesty's Government to pursue a controversy on the subject with the Government of the Emperor, since the person on whose behalf the controversy was commenced urgently entreats that it should be abandoned.

At the same time, however, Her Majesty's Government must guard themselves from appearing to acquiesce in the doctrine and principles on which the French Government justify their refusal to set M. Lamirande at liberty ; and I have accordingly to instruct your Excellency, in acquainting M. de Moustier that Her Majesty's Government no longer insist upon their application for his release, to add that their abstaining from doing so must not be construed into an admission on their part that there were not sufficient grounds for insisting upon it.

I am, &c.

(Signed) STANLEY.

Correspondence respecting the Extradition of M. Lamirande from Canada.

Presented to both Houses of Parliament by Command of Her Majesty. 1867.

LONDON.
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

WITH THE

GOVERNOR-GENERAL OF CANADA

RESPECTING THE

EXTRADITION

OF

M. LAMIRANDE.

Presented to both Houses of Parliament by Command of Her Majesty.
March 1867.

LONDON:
PRINTED BY HARRISON AND SONS.

SCHEDULE.

DESPATCHES FROM THE GOVERNOR-GENERAL.

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DESPATCHES FROM THE GOVERNOR-GENERAL.

Despatches from the Governor-General.

No. 1. No. 1.

Copy of a DESPATCH from Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 155.) Quebec, October 6, 1866.
(Received October 24, 1866.)

My Lord, (Answered, No. 84, October 27, 1866, page 99.)

I HAVE the honour to transmit, for presentation to Her Majesty, an address from certain inhabitants of the city of Montreal, praying that a certain prisoner named Lamirande, lately delivered under my warrant of extradition to the authorities of the French Government, may be returned to Montreal, in order that his case may be investigated there before the Court of Queen's Bench, on writ of *habeas corpus*.

I have the honour to transmit also affidavits from Joseph Doutre, Esq., Q.C., and C. L. Spilthorn, Esq., Advocate, counsel for Lamirande, and the judgment of Mr. Justice Drummond, of the Queen's Bench, on an application for a writ of *habeas corpus*.

With respect to the statement of the facts of the case contained in these affidavits, as far as they came within my personal knowledge, I believe it to be accurate.

It is true that I stated to Mr. Spilthorne, when he presented a petition to me on the subject at Ottawa, that time should be afforded to the prisoner to apply for a writ of *habeas corpus*, and that sufficient time not only to apply for, but to obtain the writ, was allowed, is apparent from the judgment of Mr. Justice Drummond, who says, speaking of the proceedings before him on the 24th, "I would have issued the writ before adjourning the Court, had the Counsel for the prisoner insisted upon it."

But while on the one hand sufficient time should be allowed to a prisoner to avail himself of any advantages which our laws allow him, I think on the other hand a friendly Power with which a Treaty of Extradition exists, would have good grounds of complaint if unnecessary delays were interposed by the Executive in carrying those Treaty obligations into effect.

In this case the prisoner was committed by the Magistrate on the 22nd August.

Late in the forenoon of the 24th August, the Solicitor-General for Lower Canada, Mr. Langevin, came to my residence near Quebec, with the warrant of extradition, and gave me his opinion in writing, that in point of law the case was one for extradition.

In justice to the Solicitor-General I must here correct an error into which Mr. Doutre has fallen, in relating my statement of the verbal advice tendered to me by Mr. Langevin with respect to the effect of my warrant on an application for a writ of *habeas corpus*.

I am made to say, that I executed the warrant "on the express understanding that it would in no way interfere with the proceedings adopted, or to be adopted, by the prisoner for obtaining a writ of *habeas corpus*."

What I did ask Mr. Langevin was, whether the execution of my warrant would interfere with the writ of *habeas corpus* if the prisoner's counsel had obtained it in the period (forty-eight hours as it appeared from the dates), which had then elapsed since the committal. To this Mr. Langevin replied in the negative, and I believe his answer was quite right in point of law.

I may state, that the practice which I have always followed in cases of extradition, of which we have a great number on the application of the Government of the United States is, in cases in which no questions of policy arise and which merely

involve points of law, to guide myself by the advice of the Law Officers of the Crown.

This appeared to me such a case, and as the Solicitor-General advised me that in point of law it was right the prisoner should be surrendered, and I was under the impression from the dates, that forty-eight hours had elapsed between the committal of the prisoner and the signing of my warrant, which appeared to me ample time for obtaining the writ of *habeas corpus*, I executed it.

It is true that on first hearing that the prisoner had been removed under my warrant, and before I was fully informed of the whole facts of the case, I did express my regret that he had been deprived of an advantage by my act, and I said that I would do what I could to enable him to bring his case before another tribunal.

I accordingly sent a message to your Lordship by Atlantic Telegraph,* briefly informing you of the facts of the case, and stating that, should an application be made for a writ of *habeas corpus* in England, I wished that if possible my warrant should not be a bar to it.

I am bound to say, that on a calm review of the whole facts, it appears to me that the miscarriage in the case is due to the want of diligence on the prisoner's part in suing out the writ of *habeas corpus*, for which full time was allowed; which writ, if it had been issued, would have suspended the execution of my warrant until the Court of Queen's Bench had had an opportunity of delivering its judgment on the merits of the case.

It may be right to state, by way of explanation, that though my warrant of extradition bears date the 23rd of August, the day upon which it was sealed at Ottawa, I did not, in point of fact, sign it as I have stated, until the 24th. The discrepancy arose from the fact that the officer who has the custody of my seal was at Ottawa, whereas I was at Quebec.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) MONCK.

Incl. 1 in No. 1.

Inclosure 1 in No. 1.

Mr. Doutre to the Earl of Carnarvon.

My Lord, Montreal, October 4, 1866.

I HAVE the honour to enclose a petition to Her Majesty from citizens of Canada, and especially from Montreal, concerning what is described as the fraudulent removal of E. S. Lamirande from the jurisdiction of the Court of Queen's Bench at Montreal, and praying Her Majesty to use Her authority for restoring the said Lamirande to the jurisdiction of the said Court. Your Lordship will oblige by laying it before Her Majesty, and inform the signers through me of its result. Messrs. Mackenzie, Freherne and Trinden, Solicitors of London, may be applied to for further informations if required.

I have, &c.

(Signed) JOSEPH DOUTRE, Q.C.

To Lord Carnarvon,
Secretary of State for the Colonies, London.

Incl. 2 in No. 1.

Inclosure 2 in No. 1.

Province of Canada, District of Montreal.

To Her Most Gracious Majesty Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

The Petition of the Undersigned, humble subjects of your Majesty,

Most respectfully represents,

THAT from facts of public notoriety, in this part of the Province of Canada, it is manifest that Ernest Sureau Lamirande, claimed by France under the Extradition

* The following is a copy of the telegram sent by Lord Monck to Lord Carnarvon:—

(Telegram.) "Quebec, August 30, 1866.

"PRISONER, named Lamirande, delivered to French Government under my warrant, went in 'Damascus' on 25th. Owing to delay in obtaining habeas corpus he was removed before it issued. Application will be made to English Courts by Mackenzie and Co. I wish my warrant not to be an obstacle. Do not reply.

"LORD MONCK."

Treaty of February 1843, on a charge of forgery, was fraudulently removed during the night of the 24th-25th August last, from the jurisdiction of the Judges of the Court of Queen's Bench, sitting in Montreal, while proceedings were pending for his release, in virtue of your Majesty's writ of *habeas corpus*, such removal being resorted to in order to prevent the said E. S. Lamirande from obtaining the benefit of the said writ.

That previous to the said E. S. Lamirande being thus removed from the jurisdiction of the said Court, the Hon. L. T. Drummond, one of the Judges thereof, before whom the proceedings for *habeas corpus* were pending for his release, intimated to the Counsel engaged on behalf of the Crown, the private prosecutor, and the prisoner, that he was of opinion that there was no cause or law to authorize the extradition of the said Lamirande, and adjourned the case to the next morning for the purpose of ordering the issue of the writ of *habeas corpus* and the consequent release of the prisoner.

That in the morning of the 25th August last, the writ of *habeas corpus* was ordered to issue and issued accordingly, but that the return thereto was that the prisoner had been delivered over to the Agent of the French Government in the course of the previous night.

That by such fraudulent removal, the said Court has been set at defiance to the evil example and scandal of your Majesty's dutiful subjects.

Wherefore your Petitioners most respectfully pray that your Majesty be pleased to use your authority for restoring the said Ernest Sureau Lamirande to the jurisdiction of the Court of Queen's Bench, sitting at Montreal, so that the said Lamirande be there dealt with according to law, and in a manner worthy of your Majesty's Crown and dignity.

And your Petitioners will ever pray.

Montreal, September 22, 1866.

(Signed) C. S. CHERRIER, Q.C.
(And 72 others.)

Inclosure 3 in No. 1. Incl. 3 in No. 1.

Province of Canada, District of Montreal. (L. S.)

In the PETITION of C. S. CHERRIER, Q.C., and others, relative to the Extradition of ERNEST SUREAU LAMIRANDE.

JOSEPH DOUTRE of the City of Montreal, Esquire, Queen's Counsel, being duly sworn, doth depose and say:

That the deponent is practising before all Her Majesty's Courts in this part of Canada, constituting heretofore the Province of Lower Canada, as Attorney, Advocate, Proctor, Solicitor, and Barrister, since the year 1847, and has been commissioned as one of Her Majesty's Counsel.

That on the evening of the 1st day of August last the deponent's services were retained on behalf of Ernest Sureau Lamirande, formerly a French subject, arrested the same day in pursuance of a warrant issued under the signature of his Excellency the Governor-General of Canada, on a charge qualified as follows in the said warrant:

"Whereas one Ernest Sureau Lamirande, late of Poitiers, in the French Empire, stands accused of the crime of forgery by having in his capacity of cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs, &c."

That from the beginning of the proceedings tending to the extradition of the prisoner, the deponent anticipated that the said prisoner would be arbitrarily and illegally dealt with by the Magistrate and the officers prosecuting his extradition, and the deponent felt bound to take unusual precautions to protect the prisoner; that this expectation on the part of the deponent was grounded on the following facts:—

The ordinary judicial officer before whom these proceedings should have taken place having obtained a leave of absence, a temporary Magistrate of Police had been appointed to fill the vacancy; the Magistrate so temporarily appointed, William H. Brehaut, Esquire, had been already dismissed from office as Clerk of the

Crown for malversation, and had been re-appointed to a public office without having ever attempted to remove the causes of his dismissal, and he owed his re-appointment to the exclusive political influence of the actual Attorney-General for Canada East; the Advocate representing the Attorney-General East in the prosecution of crime, on behalf of the Crown, T. K. Ramsay, Esq., had also been dismissed from office for insubordination towards his superior officers, the political adversaries of the actual Attorney-General; he also had been re-appointed to a public office through the exclusive political influence of the said Attorney-General. And his zealous advocacy of the extradition of the prisoner was such that the private prosecution often left the entire matter in his hands. The Deputy Clerk of the Crown, C. E. Schiller, whose participation in the proceedings complained of shall hereafter be shown, had also been dismissed from the same office for malversation, and had also been re-appointed without having ever attempted to remove the causes of his dismissal, and through the exclusive political influence of the said Attorney-General. The private prosecutor, the Bank of France, had selected for their Counsel Messrs. Pominville and Bétournay, the partners in business of the said Attorney-General, the latter and his said partners practising in Montreal, under the name and firm of Carter, Pominville, and Bétournay.

That the parties engaged in prosecuting the extradition of the prisoner, revealed so manifestly their determination to carry away the prisoner, that nothing short of the fair and impartial dealings of his Excellency the Governor-General could prevent them from accomplishing their object.

That since many years a rule of practice has obtained in this district, in matters of *habeas corpus*, requiring a notice of twenty-four hours to be given to the Attorney representing the Attorney-General, before presenting the petition for obtaining the writ.

That the arbitrary manner in which the proceedings were carried on against the prisoner induced the deponent to suspect that whenever the prisoner would be committed for extradition, this delay of twenty-four hours would be employed by the private prosecutor in obtaining the warrant of extradition from his Excellency the Governor-General, and in executing such warrant with sufficient dispatch to outrun the proceedings on *habeas corpus*, and thus frustrate the prisoner from the benefit thereof.

That on the 15th of August last, after the close of the investigation on the part of the private prosecutor, and before entering on the defence of the prisoner, the deponent addressed to his Excellency the Governor-General, in the name of the prisoner, a petition in which he exposed that none of the provisions of the Treaty and of the Statute 6 and 7 Vict., cap. 75, had been complied with, and that even if they had, the facts charged on the prisoner did not constitute the crime of forgery; that notwithstanding the illegality of the detention of the prisoner, he had reason to suspect that he would be committed, and that an attempt would be made to surprise the good faith and sense of justice of his Excellency, in order to obtain from his Excellency a warrant of extradition before the prisoner could submit his case to a higher tribunal under a writ of *habeas corpus*, and finally praying his Excellency not to give an order for the surrender of the prisoner without allowing him the necessary time to submit his case under a writ of *habeas corpus;* and not to leave any room to accidents, the deponent requested Charles L. Spilthorn, Esquire, to proceed to Ottawa, and present the petition personally to his Excellency, and bring back an answer; that on his return to Montreal the said C. L Spilthorn reported to the deponent that he had received both from his Excellency the Governor-General, and from the Attorney-General a formal promise that ample time would be allowed to the prisoner to apply for a writ of *habeas corpus.*

That on the 22nd day of August last, the proceedings before the Police Magistrate were brought to a close and a decision rendered at half-past 7 in the evening, committing the prisoner for extradition; that on the late hour, at which the above decision of the Police Magistrate was rendered, it was impossible to give a legal notice to the Crown Prosecutor for the next night; that on the next morning, the 23rd day of August, the deponent caused to be served on the Crown Prosecutor, a copy of the petition of the prisoner for a writ of *habeas corpus*, with a notice, that such petition would be presented in Chambers to any of the Judges of the Court of Queen's Bench, then present. On the following day, 24th August, twenty-four hours after such service, that at the appointed hour on the latter day, the said petition was presented to the Honourable L. T. Drummond, one of the Judges of the said Court

of Queen's Bench, in the presence of the said T. K. Ramsay, Esq., Crown Prosecutor, who argued as a preliminary point, that as the Crown was not the only party interested, the twenty-four hours' notice was insufficient, and requested longer delay to answer the petition; that on this demand the deponent answered, that although the notice was that required by the practice of the Court, he had no objection to grant even three or four days' delay for arguing the case, provided that the writ should immediately issue, and that the prisoner be, by that means, placed under the exclusive control of the Court; the deponent adding, that although he could not substantiate his apprehensions, and those of the prisoner, by affidavits, he had strong suspicions that by some means or other, the prisoner would not be dealt with fairly and according to law; that on the mention of these apprehensions and suspicions, the Crown Prosecutor replied that it was a calumny against the institutions of the country, to suppose that the prisoner could be exposed to any unfair treatment; that the Honourable Judge having decided that the notice was sufficient, the case was argued by deponent on behalf of the prisoner, by the said T. K. Ramsay on behalf of the Crown, and by F. P. Pominville for the private prosecutor; Mr. Ramsay arguing the points of law, and Mr. Pominville the facts of the case; that the deponent, having been prevented from entering in the facts, by the said Judge, for the reason that the mind of the said Judge was, as he expressed, sufficiently made up on the points of law, Mr. Pominville was also interrupted for the same cause, the Honourable Judge clearly expressing his opinion, that he thought there was no cause for the extradition of the prisoner, and adding that, as the questions raised were important, on account of their international character, he would take until the next morning for preparing his judgment, and consequently adjourned the case to the next day.

That on the evening of the same day, 24th August, between half-past 8 and 9 o'clock, the deponent was called upon by parties, who informed him that they had credible information that the prisoner was to be carried away within a short time the same night, that deponent answered that the prisoner could not be taken away upon any authority other than that of the Governor-General, who had promised to allow the prisoner the necessary time for obtaining a writ of *habeas corpus*, adding that if he was taken away, it must be with the forged signature of the Governor-General; that he (the deponent) had no means to protect his client against forgeries; that although disbelieving such information, the deponent immediately repaired to the residence of the said Judge, to lay it before him, which he did, by an affidavit stating the facts; that on this information of the deponent, the said Judge accompanied the deponent to the Grand Trunk Railway Station, where a train was to leave at ten minutes after 10 o'clock the same night for Quebec, with the object of commanding any person that might be engaged in taking away the prisoner, to desist from doing so, as the prisoner was then under his jurisdiction; that the presence at the railway station of the French detective Melin, the High Constable Bissonnette, and of Sipling, a Montreal Constable, giving some substance to the information conveyed to the deponent, the said Judge, after stating to the High Constable that he had information under oath, of a threatened attempt to take away the prisoner, started for the gaol, where he left a written order commanding the gaoler not to deliver the prisoner on the authority of whomsoever, as he was then under the jurisdiction of the said Judge; that the deponent, conceiving that his mission as an interpreter of the law did not impose upon him the duty of resorting to other means of defence, he left the matter in this state until the next morning; that on the 25th August, the writ of *habeas corpus* was ordered to issue and accordingly issued, and the gaoler's return to it was that the prisoner had been delivered over to an agent of the French Government during the previous night, on the warrant of the Deputy Sheriff, founded on the warrant of the Governor-General, dated the 23rd day of the same month; that on this return, the Honourable Judge called upon the Deputy Sheriff to give an account of his conduct, in the presence of the deponent, that the Deputy Sheriff then stated that he had given his warrant on the demand of Mr. Bétournay, one of the Attorney-General's partners in business, and in official ignorance of the proceedings for *habeas corpus*; that the Deputy Sheriff having received orders to produce the Governor-General's warrant, it appeared that the said warrant was in the handwriting of the above-named C. E. Schiller, Deputy Clerk of the Crown, who being asked how it happened that that document was in his handwriting, answered that some time before the decision of the Police Magistrate, he had received from the Crown Prosecutor, the said

T. K. Ramsay, a draft of the said warrant, with a request to him, Schiller, to write it on parchment and have it ready for use, when need be; that in the presence of the said C. E. Schiller, the gaoler was asked by the said Judge when and where he had received the warrant of the Deputy Sheriff, and he answered that he had received it during the night of the 24th August, at the residence of the Deputy Sheriff, where he had gone for some other pressing business connected with his official duties (which was true), and where he had seen, occupied with the obtaining of a warrant for taking away Lamirande, the said Mr. Bétournay, C. E. Schiller, High Constable Bissonnette, French detective Melin, and Constable Sipling; that the deponent, desiring to exhaust all means of preventing the illegal surrender of the prisoner, called upon the Governor-General at Quebec, on the 29th of August, accompanied by C. L. Spilthorn, Esq., who had presented the petition above referred to, of the prisoner, at Ottawa, on the 17th August, and had obtained the promise also above referred to, from his Excellency and the Attorney-General; that in that interview, his Excellency fully acknowledged that he had made that promise; that the deponent and the said C. L. Spilthorn, having written a joint report of that interview with the Governor-General, and that report being communicated to the Governor-General, his Excellency, by a letter addressed to the deponent by his Secretary, Denis Godley, Esq., under date of the 12th September instant, acknowledged in the following terms the correctness of its contents:—

"I have the honour to inform you that I have laid the paper which you enclosed to me in your letter of the 11th instant, before the Governor-General, and I am to acquaint you that it is therein correctly stated his Excellency told Mr. Spilthorn that ample time would be allowed to Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition." That in this interview his Excellency explained that when he had signed the warrant of extradition, he had done so at the request of Solicitor-General Langevin, under the express understanding that it would in no way interfere with the proceedings adopted, or to be adopted, by the prisoner for obtaining a writ of *habeas corpus*,—that having been deceived in the execution of that understanding, he felt more grieved than any one for having been instrumental in committing a grave wrong towards the prisoner, and he would do any thing practicable to redress that wrong,—that it was then and there understood that his Excellency would telegraph through the Cable to the Honourable the Secretary of State for the Colonies, to support in the measure of his powers the proceedings which would be adopted by the Councillors to whom the deponent was to telegraph for obtaining a writ of *habeas corpus* in England, and for that object his Excellency requested the deponent to communicate to him the names of the Councillors the deponent intended to employ in London, that the deponent having returned to Montreal on the night of the 29th August, he telegraphed on the 30th to his Excellency that he would entrust Messrs. Mackenzie, Treherne and Trinden, Solicitors of London, with the duty of applying for a writ of *habeas corpus;* and the same day the deponent telegraphed through the Atlantic Cable to that legal firm in the following terms:—"See Lord Carnarvon. E. S. Lamirande, kidnapped by E. Justin Melin, and Joseph Sipling, on steam-ship 'Damascus,' S. Watts, captain, due Londonderry, 3rd September. Use *habeas corpus;*" that from the conversations of the deponent with his Excellency, the deponent was lead to believe that the promised telegram of his Excellency would make up for the insufficiency of information conveyed by the telegram of the deponent, which impression was confirmed by a letter of the Secretary of the Governor-General, addressed to the deponent under date the 10th September last, in following terms:—"In reply to your request that the telegram of the Governor-General to the Secretary of State for the Colonies should be communicated to you, I am to acquaint you that his Excellency in his message to Lord Carnarvon, expressed his desire that his warrant for Lamirande's extradition should not be any obstacle to the prisoner's obtaining a writ of *habeas corpus* in England, as his Excellency understood that an application for that purpose would be made in the English Courts."

That on the 25th August last, judgment was rendered, ordering the issuing of the writ of *habeas corpus;* that in return thereto the gaoler stated, that during the night of the 24th and 25th August, he had delivered over the prisoner to E. J. Melin, agent of the French Government, on the warrant of the Deputy-Sheriff, founded on the warrant of the Governor-General, that on this return the Judge seeing that an order for the discharge of the prisoner would be of no avail,

adjourned to another day the recording of his judgment, which was afterwards recorded in the terms of the accompanying record.

And further deponent saith not, and hath signed.

(Signed) JOSEPH DOUTRE.

Sworn and acknowledged before me, at Montreal, the 4th October, 1866.

(Signed) CHARLES MONDELET, Jun.

Charles L. Spilthorn, of the city of New York, Attorney and Counsellor-at-Law being duly sworn, doth depose and say, that having taken communication of the foregoing affidavit, he may and do declare that all and every the facts therein contained are personally known to him, and are true, and hath signed.

(Signed) C. L. SPILTHORN.

Sworn and acknowledged before me, this 4th day of October, 1866.

(Signed) CHARLES MONDELET, Jun.

Inclosure 4 in No. 1. Incl. 4 in No. 1.

Province of Canada, District of Montreal. (L.S.)

In the matter of Ernest Sureau Lamirande.

CHARLES L. SPILTHORN, of the city of New York, Attorney and Counsellor-at-Law, being duly sworn on the holy Evangelists, doth depose and say as follows:—I have assisted at the examination and trial of the said Lamirande, at Montreal, before the Police Magistrate Bréhaut, and am well acquainted with the case. On the 15th of August, 1866, I was solicited by Joseph Doutre, Esq., Counsel for Lamirande, to go to Ottawa, in order to present personally to his Excellency the Governor-General, a petition which Mr. Doutre had hastily prepared in the name and in the interest of Lamirande; in that petition it was exposed to his Excellency that there was no ground to extradite Lamirande; that none of the formalities provided by law had been fulfilled, and that even if they were, there was not in the whole matter the shadow of the crime for which his extradition was demanded; that, notwithstanding all this, there was reason to suspect that some attempt would be made to surprise the good faith and sense of justice of his Excellency, in order to obtain from him a warrant of extradition, without giving time to the prisoner to apply to the regular tribunals of the country, and submit his case for examination; the petition concluded by praying his Excellency not to warrant the surrender of the prisoner in haste, and to give him time to have his case carefully considered by the legal authority.

Having been one of the Counsel of Lamirande in New York, and seeing that the ground of his extradition was a manifest false pretence, I could not decline to act as Mr. Doutre requested me to do, and I started the evening of the same day for Ottawa. After reaching this place, I presented, on the 16th of August, the petition of Lamirande, to the Governor-General, through Denis Godley, Esq., private Secretary of his Excellency; on the same day, in the afternoon, Mr. Godley informed me that the petition had been referred to the Honourable the Attorney-General Cartier. On the 17th I was received by his Excellency, who told me spontaneously that he knew the object of my visit, that he had seen and read the petition of Lamirande, and that there was no occasion to entertain any fear, that nothing would be done hurriedly nor without the fullest consideration; that Lamirande would be allowed all the time required for applying by *habeas corpus* or other legal means to all competent Courts of Her Majesty; then a general conversation followed about the facts of the case. I explained to his Excellency the case of Windsor, decided in London in the spring of 1865, when the same question was decided by the highest and most distinguished Judges of England, by which decision it was established that, admitting all the facts alleged in the case of Lamirande, there was no ground for extradition. I mentioned, that when this case had been cited before the Police Magistrate, the Crown Prosecutor had laughed at the decision of those English Judges, as being no authority. His Excellency expressed the high respect he entertained for the opinion of the Judges of the Court of Queen's Bench, which, besides being the highest Court, was presided over

by the most eminent and learned Judges of England. After repeating the assurance that the prisoner would be allowed the most ample time and opportunity of having his case fully examined by all competent Courts, not excluding the Courts of England, as I had alluded to the possibility of resorting to them, his Excellency advised me to see the Honourable Attorney-General Mr. Cartier, and ordered one of his officers to introduce me to him. After some conversation about the case and other matters, M. Cartier told me that there would and could be no precipitation in the decision of the Governor; that all the papers must be submitted to the Executive and personally to the Governor, after the commitment, if there were any; that these proceedings would necessarily take several days, and that his Excellency would not decide except after mature deliberation and according to his own judgment. He added, that he did not see any occasion for hurrying the matter; that we should have all the time required for *habeas corpus*, and finally, that I might have the fullest confidence in the word of the Governor-General, whose promise I had communicated to him. We then parted in the most friendly way.

On the 22nd of August, the argument being closed before the Police Magistrate at 6 o'clock P.M., he rendered his Judgment at half-past 11, notwithstanding the prayer of Mr. Doutre to postpone it to the following day for better consideration. His Excellency was then passing through Montreal from Ottawa to Quebec, and it was rumoured that he would stop an hour at Montreal. Everything was so much hurried up that this circumstance looked very suspicious to the prisoner as he communicated to his Counsel. As soon as possible an application was made for a writ of *habeas corpus*.

I was present in Chambers, Court of Queen's Bench, on the 24th of August, when Mr. Ramsay, the Crown prosecutor, complained of the short notice of twenty-four hours he had received of the petition for *habeas corpus*. Although the Judge decided that the notice was sufficient, Mr. Doutre offered to allow two or three days to answer it, provided the writ should issue immediately, so as to place the prisoner more expressly under the exclusive control of the Honourable Judge and Court. Mr. Ramsay having declined to accept that offer, Mr. Doutre, after some argument of the case, stated that he felt bound to make himself the echo of his client's mind, and to express the deep apprehension of foul play under which he laboured. Mr. Ramsay protested against such insinuations and, as he said, calumniations of the institutions of the country, the Governor-General being the only person under whose warrant the prisoner could be extradited, and he was fully protected against any illegal processes. His Honour the Judge said that the question being of high importance, and the prisoner being from this moment under the control of the Court, he would take to the next day to mature his Judgment. The Counsel for the French Government was also present, and heard on their behalf.

On the same night, 24th of August, at about half-past 8, I was at Mr. Doutre's house, when he told me that persons who wished not to be seen had at that moment assured him that Lamirande was to be spirited away that night. We could not believe it; notwithstanding Mr. Doutre went to the house of the Judge to consult him, and I went to the Bonaventure Station, where all trains leave. At about half-past 9, Mr. Doutre, in company of the Judge, Mr. Drummond, before whom the application for *habeas corpus* was made, came there also. Then the Judge meeting High Constable Bissonette, told him that an affidavit had been made before him to the effect that some attempt was to be made during the night to remove the prisoner Lamirande from his jurisdiction.

Mr. Bissonette answered that he knew nothing thereof, and had received no order to that effect.

Mr. Justice Drummond then told Mr. Bissonette that he gave him notice thereof, and that if any such thing should happen he would hold him responsible. Immediately after this Mr. Bissonette and the French detective Melin, who was in Bissonette's company, disappeared, when Judge Drummond said that having sufficient evidence that there was something on foot, he would go to the gaol.

A few minutes after, the Quebec train being in motion, Mr. Doutre advised me to go down to Quebec, and do as circumstances would require. I did so; but the train stopped at Point St. Charles, and we were all detained there until 1 o'clock A.M. During that interval I walked up and down, and saw that the train was divided in two parts, some three or four cars having been left some distance behind. About one or two minutes before the final departure of the train the two parts were coupled together. Having more than suspicions about what was going on, I tried to look into those cars. One of them was a baggage-car, having a kind of balcony

passage. Seeing light in that car, I went in the passage and saw Lamirande through the window. The door was locked. Around Lamirande I saw High Constable Bissonette, the French detective Melin, and one or two others I did not know. I called Lamirande by his name, and he made a move towards me, but he was immediately brought down by force, and the light inside was blown out. I did not see him any more before reaching Point Levi, near Quebec, on the morning of the 25th of August. On the way down I prepared two telegrams, one addressed to the Governor-General, the other to lawyers of Quebec. I applied to five stations to have my telegrams sent to their destination. In two of them I found no operator; in two others I was told that they were not in working order; and in the last, objection was made to my telegrams because they were written in pencil. We arrived at Point Levi at about 10 o'clock. I met Lamirande at the ferry-boat. I asked his guardians under what authority they were conveying him. They answered at first that they had no account to give, but at last they said that they had the Governor's warrant. I reminded Bissonette of what had been told him by Mr. Justice Drummond in my presence. He answered that when he had the Governor's warrant he laughed at Judge's orders. Bissonette's assistants were saying the same; this all amidst threats of violence and arrest against me if I said anything more. All the while the ferry-boat was directed towards the steamer "Damascus," laying at the Quebec wharf, and waiting for the ferry, under steam. Lamirande was immediately transferred on the steamer, which left a few minutes afterwards. My mission was then at an end. I could not do anything more for Lamirande, and I returned. When I came back to Montreal the Judge had given his decision, allowed the writ of *habeas corpus*, and pronounced his opinion for discharging the prisoner.

The other facts connected with this affair being related in an affidavit of Joseph Doutre, Esq., are omitted in the present deposition to avoid repetition. And further deponent says not; and this deposition being read to him, he declares it contains the truth and has signed.

(Signed) C. L. SPILTHORN.

Sworn and acknowledged before me, at Montreal, this fourth day of October, one thousand eight hundred and sixty-six.

(Signed) CHARLES MONDELET, Jun.

Inclosure 5 in No. 1. Incl. 5 in No. 1.

Province of Canada, District of Montreal. (L.S.)

In Chambers.—Tuesday, August 28, 1866.

Before the Honourable Mr. Justice DRUMMOND.

In the matter of Ernest Sureau Lamirande, for writ of *habeas corpus*.

THE Honourable Mr. Justice Drummond pronounced the following Judgment:—

On the 26th July last, a document under the signature of his Excellency the Governor-General, purporting to be a warrant for the extradition of the petitioner, issued under the authority vested in his Excellency by the provisions of the Statute passed by the Legislature of the United Kingdom of Great Britain and Ireland in the sixth and seventh years of Her Majesty's reign, intituled "An Act to give effect to a Convention between Her Majesty and the King of the French for the apprehension of certain offenders," setting forth that the said petitioner stood accused of the crime of "forgery, for having, in his capacity of cashier of the branch of the Bank of France, at Poitiers, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of seven hundred thousand francs;" that a requisition had been made to his Excellency by the Consul-General of France in the Province of British North America, to issue his warrant for the apprehension of the said petitioner, and requiring all Justices of the Peace and other Magistrates and officers of justice within their several jurisdictions to aid in apprehending the petitioner and committing him to gaol.

Under this document the prisoner was arrested, and after examination before William H. Bréhaut Esq., Police Magistrate and Justice of the Peace, was fully

committed to the common gaol of this district on the 22nd day of the current month of August.

On the following day, between the hours of 11 and 12 o'clock in the forenoon, notice was given in due form by the prisoner's counsel to the counsel charged with the criminal prosecutions in this district, that he (the said counsel for the prisoner) would present a petition to any one of the Judges of the Court of Queen's Bench, who might be present in Chambers at 1 o'clock in the afternoon of the following day (the 24th), praying for a writ of *habeas corpus* and the discharge of the prisoner.

At the time appointed this petition was submitted to me.

Mr. J. Doutre appeared for the petitioner, Mr. T. K. Ramsay for the Crown, and Mr. Pominville for the private prosecutor.

A preliminary objection raised on the ground of insufficient notice was overruled.

Mr. Doutre then set forth his client's case in a manner so lucid that I soon convinced myself, after perusing the Statute cited in the warrant of extradition, that the warrant itself, the pretended warrant of arrest alleged to have been issued in France (*arrêt de renvoi*), and all the proceedings taken with a view to obtain the extradition of the petitioner, were unauthorized by the above cited Statute, illegal, null, and void, and that the petitioner was therefore entitled to his discharge from imprisonment.

But as Mr. Pominville, whom I supposed to be acting as counsel for the Bank of France, wished to be heard, I adjourned the discussion of the case until the following morning.

I would have issued the writ before adjourning had the counsel for the prisoner insisted upon it; but that gentleman was no doubt lulled into a sense of false security by the indignation displayed by the counsel for the Crown, when Mr. Doutre signified to me his apprehension that a *coup de main* was in contemplation to carry off the petitioner before his case had been decided.

On the following morning, Saturday, the 25th of this month, I ordered the issuing of a writ of *habeas corpus* to bring the petitioner before me, with a view to his immediate discharge.

My decision to discharge him was founded upon the reasons following:—

1. Because it is provided by the 1st section of the Act of the British Parliament to give effect to a Convention between Her Majesty and the King of the French for the apprehension of certain offenders (6 & 7 Vic., cap. 75) that every requisition to deliver up to justice any fugitive accused of any of the crimes enumerated in the said Act shall be made by an Ambassador of the Government of France, or by an accredited Diplomatic Agent, whereas the requisition made to deliver up the petitioner to justice has been made by Abel Frederic Gautier, Consul-General of France in the Provinces of British North America, who is neither an Ambassador of the Government of France nor an accredited Diplomatic Agent of that Government, according to his own avowal upon oath.

2. Because by the 3rd section of the said Statute it is provided that no Justice of the Peace or any other person shall issue his warrant for any such supposed offender until it shall have been proved to him upon oath or affidavit that the person applying for such warrant is the bearer of a warrant of arrest, or other equivalent judicial document issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge, or unless it shall appear to him that the act charged against the supposed offender is clearly set forth in such warrant of arrest or other judicial document; whereas the Justice of the Peace who issued his warrant against the petitioner issued the same without having any such proof before him, the only document produced before him, as well as before me, in lieu of such warrant of arrest or equivalent judicial document, being a paper writing alleged to be a translation into English of a French document made by some unknown and unauthorized person in the office of counsel for the prosecutor at New York, and bearing no authenticity whatever.

3. Because, supposing the said document purporting to be a translation of an *acte d'accusation* or indictment, accompanied by a pretended warrant for arrest, and designated as an *arrêt de renvoi*, to be authentic, it does not contain the designation of any crime comprised in the number of the various crimes for or by reason of the alleged commission of which any fugitive can be extradited under the said Statute.

4. Because by the 1st section of the said Act it is provided that no Justice of the Peace shall commit any person accused of any of the crimes mentioned in the said Act (to wit, murder, attempt to commit murder, forgery, and fraudulent bankruptcy), unless upon such evidence as according to the laws of that part of Her Majesty's dominions, in which the supposed offender shall be found, would justify the apprehension and committal for trial of the person so accused if the crime of which he shall be accused had been there committed.

Whereas the evidence produced against the petitioner upon the accusation of forgery brought against him before the committing Magistrate would not have justified him in apprehending or committing the petitioner for the crime of forgery had the acts charged against him been committed in that part of Her Majesty's dominions where the petitioner was found, to wit, in Lower Canada.

5. Because the said warrant for the extradition of the prisoner, as well as the warrant for his apprehension, does not charge him with the commission of any one of the crimes for which a warrant of extradition can be issued under this Statute, inasmuch as in both of the said warrants the alleged offence is charged against the petitioner as " forgery, by having in the capacity of cashier of the branch of the Bank of France at Poitiers, made false entries in the books of the Bank, and thereby defrauded the said Bank of the sum of 700,000 francs."

Whereas the said offence as thus designated does not constitute the crime of forgery according to the laws of England and Lower Canada, for to use the words of Judge Blackburn, when he pronounced Judgment concurrently with C. J. Cockburn and Judge Shee, in a case analogous to this (*ex parte* Charles Windsor, Court of Queen's Bench, May 1865)," forgery is the false making of an instrument purporting to be that which it is not; it is not the making of an instrument purporting to be that which it is; it is not the making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing."

The gaoler's return to this writ of *habeas corpus* was that he had delivered over the prisoner to Edme Justin Melin, Inspecteur Principal de Police de Paris, on the night of the 24th instant, at 12 o'clock, by virtue of an order signed by W. H. Sanborn, Deputy Sheriff, grounded upon an instrument signed by his Excellency the Governor-General.

It appears that the petitioner thus delivered up to this French policeman is now on his way to France, although his extradition was illegally demanded, although he was accused of no crime under which he could have been legally extradited, and although, as I am credibly informed, his Excellency the Governor-General had promised, as he was bound in honour and justice to grant, the petitioner an opportunity of having his case decided by the first tribunal of the land before ordering this extradition.

It is evident that his Excellency has been taken by surprise, for the document signed by him is a false record, purporting to having been signed on the 23rd instant at Ottawa, while his Excellency was at Quebec, and falsely certified to have been recorded at Ottawa before it had been signed by the Governor-General.

In so far as the petitioner is concerned, I have no further order to make, for he whom I was called upon to bring before me is now probably on the high seas, swept away by one of the most audacious and hitherto successful attempts to frustrate the ends of justice which has yet been heard of in Canada.

The only action I can take in so far as he is concerned is to order a copy of this Judgment be transmitted by the Clerk of the Crown to the Governor-General for the adoption of such measures as his Excellency may be advised to take to maintain that respect which is due to the Courts of Canada and to the laws of England.

As to the public officers who have been connected with this matter, if any proceedings are to be adopted against them, they will be informed thereof on Monday, the 24th day of September next, in the Court of Queen's Bench, holding criminal jurisdiction, to which day I adjourn this case for further consideration.

We the Honourable Louis Antoine Dessaulles and William Ermatinger, Esquire, Clerk of the Crown for the district of Montreal, do hereby certify that the foregoing is a copy of the Judgment rendered by the Honourable Lewis Thomas Drummond, one of the Justices of the Court of Queen's Bench for Lower Canada at

Montreal, on the 28th day of August, 1866, upon the petition of the said Ernest Sureau Lamirande for writ of *habeas corpus*.

(Signed) DESSAULLES AND ERMATINGER,
Clerk of the Crown, District of Montreal.

Crown Office, Montreal, October 4, 1866.

No. 2.

No. 2. Copy of a DESPATCH from Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 164.) Quebec, October 18, 1866.

My Lord, (Received November 1, 1866.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 61* of September 22, transmitting a copy of a despatch from Her Majesty's Ambassador at Paris, to the Secretary of State for Foreign Affairs, accompanied by a letter from a French subject named Lamirande, complaining of his having been given up to the French Government under the Extradition Treaty, and more especially of the manner in which he was removed from Canada while his case was still under consideration of a Judge of the Court of Queen's Bench.

I have also the honour to acknowledge the receipt of your despatch No. 67† of September 27, in which you inform me that Her Majesty's Ambassador had been instructed to request a delay in the legal proceedings against Lamirande until authentic information about his case had been received from Canada.

I had hoped to have been able, in conformity with your Lordship's instructions, to have sent my report of this case by last week's mail; but, owing to the fact that the ship which brought your first despatch was delayed much beyond the usual time of arrival, I found it impossible to get all the information ready in time.

I have now the honour to transmit the several documents connected with the extradition of Lamirande, noted in the margin;‡ and I also beg leave to refer your Lordship to my despatch on this subject, No. 155§ of the 6th instant, and the papers inclosed in it.

This case seems to divide itself naturally into three heads:—

1st. The legal grounds which exist for the extradition of the prisoner.

2nd. The manner of his extradition.

3rd. The conduct of the different persons connected with the Government who took any part in the proceedings.

I shall endeavour to express to your Lordship my views on the subject in this order.

The first and most important question to be resolved is whether this prisoner has committed any act for which his surrender could be demanded under the Extradition Treaty with France.

The crime alleged against him is that of "forgery, by having, in the capacity of cashier of the branch of the Bank of France at Poitiers, made false entries in the books of the Bank, and thereby defrauded the said Bank of the sum of 700,000 francs."

In the French version of the Treaty the word used in treating of crimes of this description is "faux," which, in the English version,—I presume for want of an equivalent English word,—is rendered by the word "forgery."

Now, I believe, it is true that, according to the English law, the falsification of entries in a banker's book does not constitute the crime of "forgery."

But it is equally true that, under this Treaty, prisoners may be surrendered to the French authorities for acts which are not cognizable by the criminal law of England.

It is only necessary to state, in order to prove this, that "fraudulent bankruptcy" is one of the acts for which a prisoner may be surrendered, and that this act is notoriously not punishable criminally in England.

In order, therefore, to ascertain whether this prisoner has committed an offence for which he might be legally surrendered under the Treaty, it is necessary to discover what meaning the French criminal law attaches to the word "faux."

* Page 97. † Page 99.

‡ The Attorney-General for Lower Canada to Lord Monck, October 17, 1866; T. K. Ramsay, Esq., to the Hon. the Attorney-General for Lower Canada; Depositions.

§ Page 1.

On referring to :—

"Les Codes Français Collationnés sur les Textes Officiels," par Louis Tripier, seizième édition, Paris 1865; Code Pénal, livre iii, chapitre 3; Crimes et Délits contre la Paix Publique, section première "Du Faux"—

I find that the word "faux" includes a great variety of acts which, I presume, would not be "forgery" by British law.

Section 3 of this chapter is headed "Des faux en écriture publique ou authentique, et de Commerce ou de Banque."

Article 3 of this section, page 853, reads as follows :—

"Seront punies de travaux forcés à temps toutes autres personnes qui auront commis un faux en écriture authentique et publique ou en écriture de commerce ou de banque.

"Soit par contrefaçon ou altération d'écritures ou de signatures.

"Soit par fabrication de conventions, dispositions, obligations ou décharges, ou par leur insertion après coup dans les actes."

From this, I think, it is apparent that the act for which the extradition of the prisoner was demanded is a crime by the laws of France, and is included under the general designation "faux" used in the French version of the Treaty.

These considerations appear to me to dispose of the question as to whether the prisoner has committed any act for which his extradition could be demanded under the Treaty with France.

The next point of dispute in the case is as to the authority of the French official who made the demand for the surrender of the prisoner, namely, the Consul-General of France in British North America. I confess that when the subject came before me for my decision my own opinion concurred with that of the Law Officers of the Crown in Canada, that the Consul-General who resided amongst us as the recognized Agent of the French Foreign Office, was clothed with sufficient powers to put the Treaty and statute in operation.

The only other question, as it appears to me, connected with this branch of the case, refers to the legal documents which the statute requires to be given in evidence before the Magistrate on the preliminary investigation.

The objection to the extradition of the prisoner in this respect, seems to rest principally on the non-production of a legal document from the French Court, called an "arrêt de renvoi."

In order to explain the bearing of this objection, it is necessary to state that this prisoner originally escaped from France to New York, where an application was made for his extradition under the provisions of the Treaty between France and the United States of America.

On the investigation of this application before the Magistrate at New York, Lamirande was represented by Mr. Spilthorn, who was also one of his counsel at Montreal.

The "arrêt de renvoi" alluded to, was produced in due form before the Court at New York, and it was proved at the investigation at Montreal, on the oath of Mr. J. R. Condert, an advocate residing at New York, that the document was abstracted by Mr. Spilthorn, and that the prosecutors have never since been able to recover possession of it.

Lamirande effected his escape from jail at New York before judgment was given there on the application for his extradition, came to Canada, and the application for his extradition was made here.

On the proof of the facts which I have above detailed to account for the absence of the "arrêt de renvoi" at the trial at Montreal, the Magistrate admitted secondary evidence of its contents to be given.

I was advised that it was competent for him to do so, and I think your Lordship will agree with me that, assuming that this advice was sound in law, the case was not one in which I was called on to depart from the strict letter of the law in favour of the prisoner.

I think I have now given your Lordship the impression produced on my mind by the consideration of all the points raised as to the grounds which existed for the surrender of Lamirande.

You will find them dealt with elaborately and in a more technical form in the accompanying Reports from the Attorney-General and Mr. Ramsay, the counsel who represented the Attorney-General in the investigation at Montreal.

I now come to the consideration of the manner in which this prisoner was taken out of the jurisdiction of the Canadian Courts.

By the 6th and 7th Vict., chap. 75 (the statute passed for giving effect to the Extradition Treaty with France), the public functionaries named in the Act, amongst them, in Colonies, the Governor, are required, on being notified that a person who is accused of having committed within French territory any of the crimes enumerated in the statute, to issue their warrant for his apprehension.

This was done by me in the case of Lamirande.

The next step required by the statute is the examination of the charge on oath before a Justice of the Peace.

This proceeding also took place, and on the 22nd August the prisoner was duly committed by the Justice "to jail, there to remain until delivered pursuant to such requisition."

In the meantime, and while the investigation before the Justice of the Peace was proceeding, I think about the 16th or 17th of August, a petition was presented to me, stating that apprehensions were entertained that this prisoner would be carried out of the jurisdiction of the Canadian Courts, without having time allowed him to make an application for a writ of *habeas corpus*. On that occasion I saw Mr. Spilthorn, one of the counsel for the prisoner, and I told him that time for making such an application should be allowed.

On the 22nd of August I left Ottawa for Quebec, arriving there on the morning of the 23rd.

Late in the forenoon of the 24th, Mr. Langevin, Solicitor-General for Lower Canada, called upon me with the warrant of extradition (bearing date the 23rd, on which day it was sealed at Ottawa, where the officer who has charge of my seal resides), and gave me his opinion in writing that, in point of law, the case came within the provisions of the Extradition Treaty, and that the warrant should issue.

Seeing that the case involved no question of public policy, and was one the decision of which rested on legal points, I determined to act on the opinion of the Solicitor-General.

I then looked at the date of the committal (the 22nd), and as two days appeared to have elapsed since the prisoner had been committed to jail, it seemed to me that ample time had been allowed to enable him to obtain a writ of *habeas corpus*.

I then asked the Solicitor-General whether, supposing a writ of *habeas corpus* had been sued out, the signing of the warrant of extradition would prevent the prisoner from obtaining the benefit of it. To this Mr. Langevin replied that it would not.

Having satisfied myself on these points, I signed the warrant of extradition, which I am informed was sent to Montreal by the ordinary train from Quebec, and arrived there late in the evening of the same day.

It is scarcely necessary for me to add that when I signed the warrant of extradition, I was not aware, and I am assured by him that neither was the Solicitor-General, that any application had been made for a writ of *habeas corpus* on behalf of the prisoner.

These are the facts as far as they came within my own knowledge; and it appears to me that the sole question is, whether the time allowed the prisoner between his committal on the 22nd, and the execution of the warrant late in the evening of the 24th, was or was not sufficient to enable him to obtain a writ of *habeas corpus*, in order to have the legal points in his favour considered and decided by a competent tribunal.

This matter appears to me to be at once set at rest by the statement of Mr. Justice Drummond, namely, that the case was brought before him on the 24th, and that "he would have issued the writ before adjourning had the counsel for the prisoner insisted upon it."

Had the Judge adopted this course, the prisoner would have been, according to the opinion given to me by the Solicitor-General, taken into the custody of the Court, and if the Judge so decided, would have been discharged before the warrant of extradition could have been executed.

Unfortunately the Judge did not act in this manner, which I believe I am justified in saying is the ordinary practice in cases of application for a writ of *habeas corpus*, and in consequence the warrant of extradition was executed, and the prisoner was sent out of the Province.

Mr. Justice Drummond is represented as having gone in person to the prison, and forbidden the gaoler to deliver up the prisoner to any authority whatever, but it is scarcely necessary to say, that the proceedings which the Judge adopted in this respect, instead of, as he might have done, immediately issuing the writ of

habeas corpus, were entirely extra-judicial and irregular, and that no public official would have been justified in disobeying, in conformity with directions so given, the requirements of a duly executed and authenticated warrant.

Should your Lordship think that I signed the warrant of extradition with so much haste that sufficient time was not allowed to the prisoner to obtain the writ of *habeas corpus*, I feel that in this view of the case I am chargeable with the responsibility of the miscarriage which has occurred.

The third branch of the subject remains to be considered, namely, the conduct of those who took part in these proceedings.

These persons are myself, the Attorney- and Solicitor-General for Lower Canada; Mr. Bréhaut, the committing Magistrate; Mr. Ramsay, the gentleman who represented the Attorney-General at the investigation at Montreal; and Mr. Schiller, Deputy Clerk of the Crown.

With regard to myself, I have laid before your Lordship without reserve every step which I took in the transaction.

I have observed an apparent desire on the part of almost all those who have discussed this subject, to protect me from blame at the expense of the Law Officers of the Crown by the assertion that I was made the victim of a deception, and that I was surprised into putting my signature to the warrant of extradition.

The narrative which I have given to your Lordship shows that I am neither able or willing to accept any such protection.

I signed the warrant with the full knowledge of what I was doing, and in the opinion that, assuming the prisoner to use ordinary diligence in the assertion of his legal rights, he had been allowed sufficient time for that purpose.

The part which Mr. Cartier, the Attorney-General, took personally in the matter was very slight. During the greater part of the time occupied in the preliminary investigation before the Magistrate he was at Ottawa.

He was, I believe, at Montreal when the prisoner was committed, but I do not think it is alleged that he took any part in the proceedings. When the warrant of extradition was signed, and the prisoner was removed, the Attorney-General was at the sea-side more than 300 miles from Montreal.

The interference of Mr. Langevin, the Solicitor-General, with the proceedings in the case, was confined to the two legal opinions which he gave me. The one in writing on the whole facts of the case, that the prisoner ought to be surrendered; the other verbally that the signing of the warrant of extradition would not interfere with the operation of the writ of habeas corpus if the writ had been issued before the execution of the warrant by the extradition of the prisoner.

I have not heard any insinuation against the conduct of Mr. Bréhaut in the matter, nor do I believe it is impugned.

Mr. Ramsay's connection with the case is detailed at length in his own report, and I cannot see that he has laid himself open to any charge.

Your Lordship will observe that he explains the statement in Mr. Justice Drummond's observations, by saying that his indignation was excited, and expressed at the application by Mr. Doutre of the term "kidnapping" to the regular execution of a valid legal warrant, and that he pointedly told both the Judge and the counsel for the prisoner that the Governor's warrant of extradition was the only means by which Lamirande could be removed.

I do not understand that the conduct of Mr. Schiller, the Deputy Clerk of the Crown, has been impugned.

I have thus endeavoured to lay before your Lordship with as much clearness and conciseness as I can command, an account of the facts of this case.

I have to express my regret that any prisoner should appear to have been removed from the Province, the affairs of which I have the honour to administer, without having secured the benefit of every privilege which our law could afford him.

I must, however, call your Lordship's attention to the fact that no one step has been taken in this case which, assuming the legal ground for extradition to exist, is not in strict conformity with the law.

Before your Lordship shall decide on the merits of the share which I have had personally in this transaction, I desire to bring before your notice some general considerations affecting the duties which my position casts upon me in reference to such cases.

I assume that Extradition Treaties are based on the principle that all men

have a common interest in the suppression of the crimes which are made the subjects of these international contracts.

This being assumed, it follows, in my opinion, that persons accused of crimes under Treaties of Extradition are entitled to no favour or indulgence at the hands of public officers entrusted with the execution of the law.

They are entitled to every right which the provisions of our law, strictly administered, allows them, but to nothing more.

Some stress has been laid on what is called my "promise" to the prisoner's counsel when he saw me at Ottawa, that time should be allowed him for making his application for a writ of *habeas corpus*.

The "promise" alluded to consisted merely of a declaration that time was always allowed f. .ch a purpose, and that his case would not be treated differently from that of other prisoners in similar circumstances.

Had I made the prisoner's counsel a promise that any unusual favou ould be shown to him, or that the ordinary routine should in his case be changed, I should, according to my ideas, have violated my public duty.

I also wish to call your Lordship's attention to the nature of the writ of *habeas corpus*, and the mode in which that writ is brought to bear on the execution of the laws.

The issue of the writ of *habeas corpus* is not a step in the ordinary routine of the administration of justice.

The right to obtain this writ is an extraordinary power conferred by statute on a prisoner, by means of which he can arrest the usual course of the administration of the law, and test the validity of the proceedings adopted against him.

But until the writ is issued and the ordinary course of the law thereby suspended, the machine of legal administration continues to move on, and if a prisoner neglects to avail himself with proper diligence of the privileges which the statute confers upon him, he has no right to complain if his interests suffer.

I have endeavoured to show that in this case sufficient time was allowed by me to this prisoner to assert his legal rights.

If I had allowed him more than this, I think I should not have performed my duty, and the prisoner having neglected to take advantage of the opportunity afforded him, cannot, I think, reasonably charge me with blame for the results of the supineness of himself or his counsel.

If those results were produced by the improper conduct of any persons representing the Crown in the transaction, such persons should be held strictly responsible for their Acts, but I am unable to see that this has been the case, and assuming, with Mr. Justice Drummond, that sufficient time was allowed to the prisoner to obtain the writ of *habeas corpus*, I think the conclusion is inevitable, that the blame for what has happened rests with those, who having charge of the prisoner's interests, neglected to avail themselves of the opportunity afforded them.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) MONCK.

Incl. 1 in No. 2.

Inclosure 1 in No. 2.

REPORT of the Attoney-General.

To his Excellency the Right Honourable Viscount Monck, Governor-General of Canada, &c.

May it please your Excellency,

IN obedience to the request contained in the letter of Denis Godley, Esq., your Lordship's Secretary, I have the honour to lay before your Excellency a copy of all the proceedings which took place before the Police Magistrate, by whom Ernest Sureau Lamirande was committed, and the report of T. K. Ramsay, Esq.; and at the same time to report to your Excellency, that I have carefully examined all those proceedings, and have no hesitation in saying that, under the evidence adduced before that Magistrate, the commitment was properly ordered.

I fully concur in the report made by the Honourable H. L. Langevin, Solicitor-

General for Lower Canada, advising your Excellency that the warrant of extradition ought to isssue.

I have further to remark that I have carefully perused the report of Mr. Ramsay, and that I fully agree with him in the legal argument used by him, and the legal position taken by him, in support of the Police Magistrate's decision, and in support of the propriety and necessity of the issue of a warrant of extradition in the case.

Without entering into any of the different arguments stated by Mr. Ramsay, the principal question to be solved is, what law should apply to determine the criminality of the offence committed by Lamirande; whether it should be the criminal law of England and Canada, nearly alike, or the law of France. I consider that the offence of which Lamirande was accused, came within the Treaty for, although not strictly forgery according to the criminal law of England and Canada, yet the evidence was sufficient to establish the Commission of one of the offences mentioned in the Treaty, viz., the "crime de faux," or forgery, as determined by the laws of France. As there exists considerable difference between forgery, "crime de faux," in France, and forgery according to the laws of England and this country, I am of opinion that the determining the offence according to the laws of the former country, with which the Treaty was made, was correct, the laws of France being taken to establish the crime. The contrary, would in my opinion, render the Treaty a dead letter.

With regard to any supposed irregularity in the documents produced as evidence against Lamirande, I may mention that the *arrêt de renvoi* stated to have been wanting, and the absence of which is accounted for in Mr. Ramsay's Report, by the fact of its having been abstracted in New York by Lamirande's Counsel, was replaced by the next best evidence which could be produced, and which I consider to be in such case strictly legal. An authentic translation properly certified and duly proved bearing the initials of the Commissioner in the United States, with whom it was filed, and by whom it was used. I therefore consider that the objection made to such copy being received as evidence is of no avail.

As to the other objections they are amply answered by Mr. Ramsay.

With regard to the writ of *habeas corpus*, it could not be directed against the Governor's warrant, but against the commitment of the Magistrate who investigated the case; and as there was a delay of more than fifty hours between the commitment which took place on Wednesday the 22nd August last, and the surrender of the prisoner late on Friday night following, ample time and opportunity were afforded to obtain the writ of *habeas corpus*. Thus the prisoner was by no means deprived of the privileges attached to the obtaining of that writ. The proceedings in matters of *habeas corpus* must be prompt and summary. By the 4th section of chapter 95 of the the consolidated statutes of Lower Canada (24th Geo. III, cap. 1, sec. 3), the writ of *habeas corpus* must be granted at once, and without any delay by the Judge to whom the request for its issue is made; and the Judge is, within forty-eight hours (two days) after the party is brought before him, bound to give his decision whether the prisoner has to be discharged or not. The prisoner had thus more time to claim and procure the issue of the writ than is given by law to the Judge to decide on the merits of the case. Besides which the investigation had already occupied a period of more than three weeks, thus affording every opportunity for making preparation for the adoption of any course which the prisoner's Counsel might have contemplated.

I respectfully call the attention of your Excellency to the statement of Mr. Ramsay, that on Friday the 24th August, Mr. Justice Drummond adjourned the case, of his own motion, and that the adjournment was solicited neither by Mr. Ramsay, nor by the Counsel acting on behalf of the French Government; and that Judge Drummond has stated that if the Counsel of the prisoner had moved for the issue of the writ on that day he would have granted it. Thus, if any blame exists for the non-issuing of the writ, it attaches either to the Judge, if he thought it correct to issue the writ, or to the prisoner's Counsel who did not move for its issue.

As the departure of the steam-ship on the following Saturday afforded the readiest way of conveying the prisoner out of Her Majesty's dominions, it became necessary to use great diligence after the commitment to have the warrant of extradition executed in time, to enable the officer who was to take charge of the prisoner to avail himself of that conveyance. These facts being known to the

prisoner's Counsel, it was his duty also to have used diligence in any proceedings to be taken by him, which diligence does not appear to have been used.

Your Excellency's warrant once issued there were no means of retarding its operation, and in its immediate execution the Sheriff, or his deputy, appears to have done no more than his duty.

Moreover, I consider that if the prisoner had been liberated under any writ of *habeas corpus*, for the reasons given in Mr. Justice Drummond's extra-judicial opinion alluded to in Mr. Ramsay's Report, a failure of justice would have taken place, and that the French Government would have been in a position rightly to complain that the Treaty had not been carried out in this case.

(Signed) GEO. E. CARTIER,
Attorney-General for Lower Canada.

Ottawa, October 17, 1866.

Incl. 2 in No. 2.

Inclosure 2 in No. 2.

Mr. RAMSAY to the ATTORNEY-GENERAL.

SIR, Court House, Montreal, October 15, 1866.

I HAVE the honour to re-inclose you Mr. Godley's letter and the extract from Mr. Justice Drummond's Judgment in the case of Lamirande which accompanied that letter.

In order that you may be enabled to convey to his Excellency complete information as to the position I assumed, I shall trouble you with a narrative of my whole connection with the matter.

On Friday, the 3rd of August last, I was informed of the arrest of Lamirande under a demand for extradition by the French Government for the crime of forgery. As I was aware of the anxiety created in England by the notice given to Her Majesty's Government of the intention of the French Government to put an end to the Extradition Treaty, owing to the failure on the part of the English authorities to give it effect, and also of the steps taken in England to induce France to abandon this resolve, although I had no special instructions from you in the matter, I thought it my duty to notify the Magistrate of my intention to watch the proceedings on the part of the Crown. Some little time after I met Mr. Pominville, who informed me that he was retained on the part of the French Government, and he introduced me to a Mr. Condert, who had conducted the proceedings on the part of the French Government in the United States, where Lamirande had been arrested previously, and from which he had escaped. We had some conversation as to the accusation, and to the sort of proof that I should consider necessary to enable me to take conclusions for the extradition of the prisoner. On the 6th, the inquiry began before the Magistrate and was continued till the 15th, when the prosecution was closed. During the taking of the evidence I took little or no interest in the matter, and indeed was rarely present, as I did not conceive the Crown had anything to do with the means the private prosecutor took to make out his case. When, however, the case for the prosecution was closed and the Counsel for the prisoner moved his discharge, I opposed his application and maintained that a case within the Treaty had been made out. After a long argument the Police Magistrate refused to discharge the prisoner, and his Counsel then prayed to be allowed to adduce evidence for the defence. Although it is purely discretionary with the Magistrate to hear evidence or not for the defence, and that the ordinary practice here is to decline to admit it, I at once assented to the delay being accorded, and said that I considered extradition cases to be so exceptional in their character that evidence for the defence when offered should never be refused. The Magistrate then adjourned the case to the 20th. On the 20th, the prisoner was again brought up for examination, and the evidence suggested on his part was terminated on Wednesday, the 22nd, at what time I do not know, as I was not present when the evidence was closed. The Magistrate then heard the parties by their Counsel, but I took no part in the hearing as I had been heard on the 15th, and as I did not consider the new evidence had in any way altered the position of the case. After the argument, for which I did not remain, the Magistrate adjourned for an hour or an hour and a half to prepare his judgment. On his return he fully committed the prisoner for extradition.

Immediately on the termination of inquiry before the Magistrate, I believe the

private prosecutor made preparations to obtain the Governor's warrant authorizing the extradition. And here it is necessary to say a few words. An erroneous opinion has taken largely possession of the public mind that the prisoner to be extradited has a right to some sort of an appeal, and that the Governor-General is to supervise the decision of the committing Magistrate. It is impossible to conceive a greater blunder. The action of the Governor-General is not judicial, but executive. The reason he is called upon to do the last act of extradition is not that he may decide whether the evidence is sufficient, or whether the Magistrate has given a good or a bad judgment, but because the Act of Parliament may be terminated by the rupture of the Treaty, of which a Court of Justice might not have cognizance, and of which the Governor must necessarily have the earliest information, as for instance, in the case of war, which breaks all Treaties. Again, the examination of the commitment under a writ of *habeas corpus* is not in the nature of an appeal; it is not a necessary incident to extradition, and therefore there was no call upon the prosecution or on the Executive to give any delay at all for a proceeding which might or which might not be taken, and which is not contemplated in the Act giving effect to the Treaty.

On the morning of the 23rd, I got notice from Mr. Doutre that he would apply for a writ of *habeas corpus* on the 24th, at 1 P.M. I went to Chambers, and met both Mr. Justice Drummond and Mr. Justice Mondilet. As the latter had already had cognizance of the affair, and as he had informed me, one day I met him in a railway train, that he was going into town on purpose to be ready to hear any application that might be made in the Lamirande case, I told him that a writ was then to be demanded. With a slight air of embarrassment they both told me that Mr. Justice Drummond would take the case. Some little time after Mr. Doutre came in and made his application, to which I interposed an objection that the notice was short, stating my reason for making the objection, that as I did not represent the French Government I could not waive any right. Mr. Justice Drummond then interrupted me very rudely, saying, that he would not pass the whole afternoon with such quibbling. From that moment I began to suspect that the liberation of Lamirande was a foregone conclusion, and that Mr. Justice Drummond's appearance in Chambers that day—a most unusual circumstance, for I had not seen him there once during the vacation—was not unpremeditated, and I soon became convinced that a portion of that plan was to compel me to silence. Shortly afterwards some allusion being made to a fact in the record, Mr. Doutre asked if the papers had been sent up. I asked him if he had given notice to the Magistrate, to which he answered he had not. This, again, called forth some expressions of irritability from the Judge, who declared he would not be trifled with, and he sent for the Deputy Clerk of the Crown. On the arrival of the clerk he stated that the record had not been yet sent to the Crown Office by the Magistrate, and that the Magistrate was not then there, but that he should be sent for. It is only due to the Deputy Clerk of the Crown to say that however intemperately given, the directions of the Judge were carried out with the utmost celerity, and in less than an hour the papers were procured from the Magistrate and brought into Chambers. And here it may be as well to state that we have an express enactment declaring that the Magistrate must have notice to send up his papers, and, furthermore, before the issue of the writ the Judge had no authority over the record at all.

By our Statute copied from the old Statute of Charles, on an application for a writ of *habeas corpus*, the Judge in vacation, under a penalty of 500*l.* in case of contravention, is obliged to issue the writ "upon view of the copy of the warrant of commitment" unless, first, the commitment be for treason or felony plainly expressed in the warrant, or, secondly, that the prisoner be in execution. The prisoner Lamirande was in neither category, and it was, therefore, the imperative duty of the Judge to issue his order for the writ fortwith. Had he acted as the law directs, all the difficulties which ensued would have been avoided; and the Sheriff refusing to deliver up Lamirande on the demand of the French officer would have been within the reservation contained in his Excellency's warrant, and the responsibility of surrendering or discharging Lamirande would then have been with the Judge upon whom it ought to rest, and not on the officers of the Executive. To relieve the Judge of the imputation of irregularity a miserable quibble has been advanced. It has been said the writ of *habeas corpus* is a writ of right, but not of course. Now what do those words signify? Simply this, that there are two exceptions, those I have enumerated wherein he is not obliged to issue the writ on view of the copy of the warrant of commitment, to neither of which, however, did

the case in point belong. Having made the mistake of taking the argument on the petition, the prisoner remained during the whole time it lasted subject to being extradited by a warrant from the Governor, which being directed to the Sheriff would be acted on by him, perhaps even in ignorance of the petition for a writ; but whether ignorant of the fact or not, he would at all events have no legal excuse for delaying obedience to the writ. It will, doubtless, be in your recollection that one of the most serious charges against the Chief of Police, Mr. Lamothe, after the enlargement of the St. Albans raiders by the Judge of Sessions, was his delaying only half-an-hour to execute a warrant issued for their re-arrest by a Judge of the Superior Court acting in his capacity of a Justice of the Peace, in order that he, Mr. Lamothe, should have time to inquire as to the legality of the re-arrest. Can it, then, be pretended that the Sheriff, even if he did know that an application for a *habeas corpus* was pending, could have refused obedience to the Governor's warrant till the decision was come to? Such a doctrine would lead to the most extraordinary results, and to the destruction of all executive subordination. Besides, if a notice of an application for a writ of *habeas corpus* could thus paralyze the action of the Executive, it would be competent for a prisoner, committed for extradition, by repeated applications to defer the evil day as long as he chose.

But to return to the narrative, after the papers came up, Mr. Justice Drummond announced his intention of sitting as late as might be necessary for the hearing, and Mr. Doutre entered at great length into the case. When he had spoken for nearly an hour, Mr. Drummond asked me to answer what Mr. Doutre had said, for from what he had heard he said he felt disposed to discharge the prisoner. I then replied, speaking only to the law of the case, and not occupying twenty minutes, but maintaining that the case was within the Treaty. When I had finished, I mentioned that Mr. Pominville, on the part of the French Government, had something to say as to the facts. So soon as Mr. Pominville rose, Mr. Drummond said that he would adjourn the case to the next day. After the extradition it was stated boldly in one of the newspapers that Mr. Pominville had asked for an adjournment. This is totally incorrect. It was the Judge who, of his movement, ordered it (see the extract of his Judgment inclosed by Mr. Godley, where he says, "I adjourn, &c."); and after the announcement that the Judge would sit late, this took us not a little by surprise, for it was hardly 5 o'clock, and I had made arrangements with the Deputy Clerk of the Crown, Mr. Schiller, that he should not go so long as the Judge sat, in order that no delay should occur in issuing the writ, if ordered. Within half-an-hour after the adjournment, I left the Court-house, and heard nothing of the proceedings till next morning about 10, when I learned that Lamirande had been removed during the night under a warrant from the Governor-General. I was just going to write to the Judge to tell him that this put an end to the case, when I got a message from him to say he wanted to see me. I found him labouring under quite as much irritability as on the day before, and as he seemed desirous of finding fault with some one, and at a loss to know with whom he ought to find fault, I thought it right to tell him that had I been asked by the Sheriff the night before whether Lamirande ought to be given up, there being no other cause of detainer in the Sheriff's hands, I should have told him to obey the Governor's warrant immediately. I added, however, that I had not had an opportunity of giving this advice as I had never seen the Sheriff or his deputy on the subject. It is, perhaps, however right for me to state here that the Sheriff was not at all likely to ask my advice, for in a similar case in June I had telegraphed in, for the guidance of the Sheriff, to say that the Governor's warrant must be obeyed according to its tenor at all hazards, and there is but one exception to the Governor's warrant, namely, that the prisoner be not detained "for any other cause, matter, or thing." This answer seemed at the time to satisfy Mr. Drummond, and a few minutes after he even came to my chambers without there being anything in his manner indicative of violent feeling. It was, therefore, a new surprise for me when on the return of the writ of *habeas corpus*, which, be it observed, he issued after he was well aware of the removal of the prisoner, he indulged in a most unmeasured attack on the officer of justice, who had conducted the prosecution. As a report of this attack got into the newspapers, I thought it my duty to reply in a letter addressed to the "Montreal Gazette," a copy of which is appended marked A, so that these most injurious and libellous accusations should not go abroad uncontradicted.

On the 27th, Mr. Justice Drummond, having determined to give a Judgment in the case, although there was no prisoner, and no order could be made, actually took possession of the Court of Appeals, where he has only a right to sit as one of five

Judges, and there before a great concourse of people read a Judgment, and made observations, which I am informed, for I had declined to be present, were correctly reported in the "Herald" of the 29th. It is from this report, the extract inclosed in Mr. Godley's letter is taken. I was not present when the words mentioned in the inclosed extract were used; but so soon as I saw the report, I replied to the renewed attack by a letter in the "Gazette," B, and in that letter is to be found my answer to the portion of the Judge's remarks, adverted to by Mr. Godley. The indignation I expressed was at the use of the word "kidnap" by Mr. Doutre, and I at once told him that it was idle to talk of kidnapping, for that the prisoner could only be removed by one process, that is on the warrant of the Governor-General. Had the distinctions thus established, before the extradition, been observed afterwards, much foolish declamation would have been avoided, and much ill-feeling prevented. To affirm that a man removed by process of law is kidnapped is nonsense; and to affirm that Lamirande was kidnapped is to beg the question.

Having recapitulated the main facts of the case in order to give you a full idea of the position I took, it only remains for me to refer to the legal considerations which induced me to regard the case as coming within the Treaty.

The only question that gave rise to any solicitude on my part was the question of whether, the offence not being forgery by our law, Lamirande could be extradited for forgery by the law of France; and, if so, whether we should take the law of France as stated in the *arrêt de renvoi* and the French affidavit, or oblige the prosecution to make further proof of the constituents of forgery by the law of France. It would probably have been agreeable to the prosecution had I adopted the view that the offence charged was forgery by our law, or even had I left my opinion as to the nature of the offence doubtful; indeed, one of them, Mr. W. Coudert, battled long and earnestly to bring me to the conclusion that it was; but I unhesitatingly stated my opinion, on the 15th, when the case for the Crown was closed, that forgery, by the law of England, had not been brought home to the prisoner, and that the question to be decided was, whether he could be extradited on the proof of forgery according to the law of France. The issue was thus narrowed down to a very small point, and, as I have said, there was no equivocation as to the view of the case taken by me. It is true much time was wasted in the discussion of whether the demand by the French Consul was legal, and as to whether the evidence was sufficient to maintain the accusation. It was also pretended that the French detective ought to be actually in possession of a French warrant of arrest.

The whole of this part of the discussion appeared to me idle in the extreme. It is not necessary to be a lawyer to know that the authority of the French Consul to demand the extradition was an executive, and not a judicial question, and one in which the prisoner could not have any legitimate interest. It is a stipulation in favour of the power from which the extradition is sought, and not in favour of the prisoner.

Again, as to the evidence of the falsification, nothing could be more complete, and it was not even seriously denied. As I found myself under the necessity of answering publicly, on the 1st of September, Mr. Justice Drummond's extra-judicial opinions expressed on the 27th in the Court of Appeals, I shall now repeat the argument I then used. Before doing so, however, there is one point to which I have not there adverted; and it is whether the prosecution was bound to prove the foreign law by testimony. I think not; and that it is not competent for the Judge here to go behind the French warrant. But, at any rate, this was not insisted upon seriously at the time, and, besides, it is not strictly true that there is no evidence of the French law, for the French deposition on which the proceedings in France were based, after setting up the facts, calls it forgery.

Mr. Justice Drummond said:—

"My decision to discharge him was founded on the reasons following:—First, because it is provided by the first section of the Act of the British Parliament to give effect to a Convention between Her Majesty and the King of the French for the apprehension of certain offenders (6 and 7 Vict., cap. 75); that every requisition to deliver up to justice any fugitive accused of any of the crimes enumerated in the said Act shall be made by an Ambassador of the Government of France, or by an accredited Diplomatic Agent; whereas the requisition made to deliver up the petitioner to justice has been made by Abel Frederic Gautier, Consul-General of France in the Provinces of British North America, who is neither an Ambassador

of the Government of France nor an accredited Diplomatic Agent of that Government, according to his own avowal upon oath."

In the first place, it is evident that, if the requisition must be made by an Ambassador, and it must be this the Judge means, it renders the Treaty inapplicable in all the Colonies. In the next place the statute does not use the terms employed by the Judge. It is not said a requisition "shall be made." In the statute there is nothing imperative; the form is purely directory. It says:—

"That, in case requisition be duly made, pursuant to the said Convention in the name of His Majesty the King of the French, by his Ambassador or other accredited Diplomatic Agent, &c., it shall be lawful," &c.

Now every one knows that, in the interpretation of statutes, there is a wide difference between what is directory and what is imperative (2 Dwarris, page 713); and it is often a question of great nicety to decide whether a particular clause is the one or the other, But technically, the question stands thus: on the part of the prisoner it was pretended that the requisition by an Ambassador was a condition precedent imperatively fixed by statute, without which the Governor's warrant was a nullity.

On the part of the prosecution it was maintained that the words were purely directory; that the necessity of a requisition was established in favour of the power called upon to extradite, and that consequently it was for the executive of that power to decide whether a sufficient requisition had been made, and that it was in no way competent for the Court to go behind the Governor's warrant directing all Justices to aid in the apprehension of the prisoner.

It was further maintained that this interpretation was not only agreeable to the general objects of the statute and conformable to the principle of interpretation already laid down, but that it also appeared, by other words in the statute, which goes on to say that, this requisition being made, the Governor is authorized "by warrant under his hand and seal to signify that such requisition has been so made, and to require all Justices, &c." Besides, if this question were not to be settled by the signification of the Governor, how is it to be established in any case that the requisition was made by a "Diplomatic Agent?" The warrant cannot contain the proof otherwise than by the declaration it contains; will it, then, be pretended that, being denied on the part of the prisoner, the Ambassador or other Diplomatic Agent will be obliged to file his credentials? Mr. Drummond's holding implies so much. But whoever heard of the credentials of a Diplomatic Agent being judged of by any one but the executive with which he has been put in relation? Does not the very expression "accredited Diplomatic Agent" used in the statute, exclude all doubt? It is only necessary to ask, by whom is credit to be given? It therefore would appear that Mr. Justice Drummond's first point is a blunder, and that "a poor Magistrate who has never pretended to read the law" may be nearer right than he.

The Judge goes on to say:—

"2ndly. Because by the 3rd section of the said statute it is provided that no Justice of the Peace, or any person, shall issue his warrant for any such supposed offender, until it shall have been proved to him upon oath or affidavit that the person applying for such warrant is the bearer of a warrant of arrest, or other equivalent judicial document, issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge; or unless it shall appear to him that the act charged against the supposed offender is clearly set forth in such warrant of arrest or other judicial document; whereas the Justice of the Peace who issued his warrant against the petitioner, issued the same without having any such proof; the only document produced before him, as well as before me, in lieu of such warrant of arrest or equivalent judicial document, being a paper writing, alleged to be a translation into English of a French document made by some unknown and unauthorized person in the office of counsel for the prosecutor, and bearing no authenticity whatever.

The law and the Judge's commentary are so mixed up, that, for a proper understanding of the question, it is necessary to reproduce the terms of the Statute, which are as follows:—

"Provided always, that no Justice of the Peace or other person shall issue his warrant for the apprehension of any such supposed offender until it shall have been proved to him, upon oath or by affidavit, that the party applying for such warrant is the bearer of a warrant of arrest, or other equivalent judicial document

issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge; or *unless it shall appear to him that the acts charged against the supposed offender, are clearly set forth in such warrant of arrest, or other equivalent judicial document.*"

Now, the Judge's interpretation, following Mr. Doutre, is that there must be an affidavit or deposition by the bearer of a warrant of arrest, declaring that he has this French warrant, "or other equivalent judicial document." But to say this is to ignore the alternative italicized above; the critical reading of the Statute being, that the Magistrate shall not proceed to apprehend, even on the reception of the Governor's first warrant, either until it is established by oath or deposition that the person applying is bearer of a French warrant, or other equivalent document; or unless it shall appear to the Magistrate that such warrant exists. This, too, is consonant with common sense, which Mr. Justice Drummond's reading is not. Had the Magistrate not the alternative of acting without the actual presence of the French warrant, the prisoner would infallibly escape, even when he could not find an enthusiastic attorney to purloin it; for all he would have to do would be to keep out of the place where this dangerous document was, and as but one person could be the "bearer" of it, so only one person could be effectually employed in the pursuit.

It is easy to understand why rogues and their counsel should maintain such a strained interpretation of a Statute, but it is inconceivable that a Judge should be found to adopt it. The translation of the *arrêt de renvoi* was never filed by the prosecution as a substitute for a warrant, because the prosecution never admitted that such warrant was required; but in the absence of the original, which had been made away with by the prisoner's counsel in New York, it was produced to justify the Magistrate in committing him. The *arrêt de renvoi* being an indictment, as we should say, it presumes a warrant of arrest, or other judicial document, and therefore, under the express words of the Statute, justified the Police Magistrate in acting.

Mr. Drummond continues:—

"3rd. Because, supposing the said document purporting to be a translationo an *acte d'accusation* or indictment, accompanied by a pretended warrant of arrest, and designated as *arrêt de renvoi*, to be authentic, it does not contain the designation of any crime comprised in the number of the various crimes for or by reason of the alleged commission of which any fugitive can be extradited under the Statute.

"4th. Because by the first section of the said Act it is provided that no Justice of the Peace shall commit any person accused of any of the crimes mentioned in the said Act (to wit, murder, attempt to commit murder, forgery, and fraudulent bankruptcy), unless upon such evidence as, according to the laws of that part of Her Majesty's dominions in which the supposed offender shall be found, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be accused had been then committed. Whereas the evidence produced against the petitioner upon the accusation of forgery brought against him before the committing Magistrate, would not have justified him in apprehending or committing the petitioner for the crime of forgery, had the acts acts charged against him been committed in that part of Her Majesty's dominions where the petitioner was found, to wit, in Lower Canada.

"5th. Because the said warrant for the extradition of the petitioner, as well as the warrant for his apprehension, does not charge him with the commission of any one of the crimes for which a warrant of extradition can be issued under this Statute, inasmuch as in both of the said warrants the alleged offence is charged against the petitioner as 'forgery, by having in the capacity of cashier of the branch of the Bank of France at Poitiers, made false entries in the books of the bank, and thereby defrauded the said bank of the sum of 700,000 francs;' whereas the said offence, as thus designated, does not constitute the crime of forgery according to the laws of England and Lower Canada, for, to use the words of Judge Blackburn when he pronounced judgment concurrently with Chief Justice Cockburn and Judge Shee in a case analogous to this (*ex parte* Charlotte Windsor, Court of Queen's Bench, May 1865), 'Forgery is the false making of an instrument, purporting to be that which it is not; it is not the making of an instrument purporting to be that which it is; it is not the making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing.'"

These three paragraphs really contain the great question of this case. In

enumerating the offences for which an accused person may be extradited, must we look for the constituents of the offence to the law of the country violated, or to that in which the extradition is demanded? Much is to be said on both sides of this question; and there can be no doubt that in dealing with the American Treaty, and particularly so long as slavery existed in that country, it was necessary for the great common law felonies, such as murder and manslaughter, to look to the common law of England as the guide. And of this the Americans could not, and cannot, complain, for they take their common law from us; and, therefore, in using an English common law term, they must be supposed to use it with the common law signification. This was the view taken in the Anderson case, and rightly. We would not tolerate that the people of a southern State of the Union should convert manslaughter into murder by the existence of a system condemned long previous to the Treaty, by the public morality of the Empire. About the intention too of this law giving effect to the American Treaty there was no doubt. It had been fully discussed in Parliament when the Bill was passed, and distinctly admitted on all hands that, in a case such as Anderson's, the fugitive would not be delivered up.

With regard to the French Treaty the question is totally different. There is no common origin for the two laws; and consequently, when the term does not express the same offence in both countries, there is no reason for making the definition according to the law of the one rather than of the other. But, in addition to this, it is perfectly clear that in the English statute the law of France was not ignored; but to make this apparent to the general reader, we must proceed to details. The crimes enumerated for which extradition may be sought may be divided into three categories for the purposes of this examination:—

1. Murder, for which the equivalent is distinctly set up in the statute; it comprehends the terms "assassination, parricide, infanticide, and poisoning."

2. Fraudulent bankruptcy, which has no equivalent in the criminal law of England at all.

3. Forgery, which has not at all the same signification in France and in England.

Now, if it be true that, with the exception of murder (the meaning of which is thus absolutely defined), the law of England was alone contemplated, the mention of fraudulent bankruptcy was a mere farce. It must, however, be said, in support of Mr. Justice Drummond's opinion, that even this view has been held; and a Solicitor-General in Lower Canada formally gave it as his opinion that we should not extradite in cases of fraudulent bankruptcy, there being no such crime known to our laws; and we believe that this opinion was acted upon in several instances. On the other hand, it must be said that the latest case in England under the Treaty is for the extradition of a fraudulent bankrupt. (*Ex parte* Widemann, in the Weekly Notes of the 30th June of this year.) It is thus plain that in England it is not settled that the offence must be one under the laws of England. The same argument will apply to forgery, if not to the same degree at all events to a very great extent. Forgery in France and forgery in England are perfectly different, and this is very natural. A mere misdemeanour at common law, forgery has been so altered that now almost every forgery is a felony, and many things which were not crimes are now forgeries. The same thing has taken place in France, so that to refuse to give up a man accused of a particular kind of forgery, because it was not common to both laws, would be almost to annul the Treaty in so far as regards that offence. But it is said that the statute is imperative; they rely on this passage:—

"Upon such evidence as, according to the laws of that part of Her Majesty's dominions, would justify the apprehension and committal for trial of the person so accused if the crime of which he or she shall be so accused had been there committed, it shall be lawful for such Justice of the Peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid."

Now this clause does not bear out the pretension; and if it did, it would be applicable to fraudulent bankruptcy as well as to forgery, and Mr. Dunbar Ross' opinion, when Solicitor-General, would be correct. But this we see by the Widemann case is not the view now taken in England. To make Mr. Justice Drummond's dictum agree with the Widemann case, we should require to make a distinction not to be found in the law, which it should be unnecessary to remind "a

Judge who has read the law," is against all principle. "Ubi lex non distinguit, nec nos debemus distinguere." But do the words cited bear out Mr. Drummond's reading? We maintain they do not. Their only meaning is this: that there must be sufficient evidence to justify the magistrate in committing, had the offence been an offence here and been committed here. In other words, it is a caution to the Magistrate to deal with the case as he would with any other preliminary examination for an alleged crime here. How it could have got abroad that he has any other duty than that one, almost purely ministerial, which he performs daily in dealing with those accused of crime here, we cannot imagine, unless it be explained by the jealousy that exists on the subject of extradition in England, as Lord Clarendon said in the House of Lords, when the Bill was recently introduced to give greater effect to the French Treaty.

Another of the points made was that we had not the *arrêt de renvoi*. I have already shown that it was not necessary for us to have it; but even if it had been necessary to produce it before the committing Magistrate in ordinary cases, it certainly would not have been so in this case. It is in evidence that the *arrêt de renvoi* had been made away with by Mr. Spilthorn, the prisoner's counsel at New York (he does not venture to deny the taking), and that being proved, it was competent for us to give the next best evidence at our disposal, which undoubtedly was the translated copy of the *arrêt de renvoi* prepared for the United States' Commissioner and initialed by him as one of the documents of his record.

But the real question now is, not whether the law as laid down by the Police Magistrate judicially, or that expressed by the Judge extra-judicially, is correct. The only person legally seized of the question and who could give a judgment decided for the extradition, and it therefore only remains to inquire whether that decision was carried out in a lawful manner or not. I am quite ready to admit, with the most violent of the papers here, that the act was one which if not legal was kidnapping; but I think it has been made sufficiently clear that the act of the Sheriff in giving him up was not only justifiable but the only course he could lawfully pursue. The absurdity of the pretension that notice of an application for a writ of *habeas corpus* served upon me was to have the same effect as a writ served upon the gaoler is too transparent to deserve comment. But it has been said there was indecent haste, and that the Governor-General had promised time to apply for a writ of *habeas corpus*, or as Mr. Doutre somewhat untechnically calls it, "time to bring the case before higher tribunals." As for the matter of haste, it is expressly enjoined in the Statute giving effect to the Treaty (6 and 7 Vict., cap 75, sec. 4) that the prisoner is to be removed out of Her Majesty's dominions in the readiest way. Now the readiest way and the only way of sending Lamirande out of Canada was by the river, and as the steamer was to sail on the morning of Saturday the 25th, it was obviously incumbent on those representing the French authorities to lose no time in procuring the Governor's warrant, so as to take advantage of that mode of conveyance. The escape of Lamirande from custody in the United States, the day before the Commissioner was to pronounce judgment upon his case, and the presence here of his counsel, Mr. Spilthorn, whose extraordinary proceedings relative to the *arrêt de renvoi* at New York have already been remarked, were additional reasons for inducing the agents of the French Government not to allow time for further machinations. As to the alleged promise of the Governor-General I have, of course, nothing to say but this, that even if made in the terms Mr. Doutre alleges, it was fully redeemed, for ample time was given to get out the writ, and if its issue was delayed till Tuesday, the fault must be between Mr. Doutre and the Judge, the latter of whom does not hesitate to state that if Mr. Doutre had insisted he would have issued the writ on the 24th, Friday. To this Mr. Doutre may fairly reply that if he had a right to the writ before the argument it was unnecessary for him to insist, his application should have been enough.

I do not care to take up your time in offering any apology for the part I have taken in this affair, for I feel that my acts speak for themselves; but I may be permitted to say a word on one piece of criticism by the Judge. He said it was my "duty to inform the Governor that a writ of *habeas corpus* was demanded." But why more in this case than any other, or am I in all cases of extradition to keep the Governor advised by telegraph of each step of the procedure? Besides, if Mr. Doutre's story be true, the case in question is the very last in which such an exceptional proceeding on my part was required, for it would appear that so far back as the 3rd of August, Messrs. Doutre and Doutre had appealed to the Governor-

General to protect their client whom they then called "Felix Gastier;" and later, on the 15th, we find MM. Doutre and Daoust again informing the Governor-General that it is their intention "to appeal to higher tribunals" in favour of their client, whose name then turned out to be Ernest Sureau Lamirande, the well-known fugitive from Poitiers. Instead of attempting to fix on the Governor-General the imputation of not having kept his word, Mr. Doutre would do well to explain how it came to pass that Doutre and Doutre should petition on the 3rd of August for Felix Gastier, and that Doutre and Daoust should petition for the same man under the name of Ernest Sureau Lamirande on the 15th.

I have, &c.

(Signed) T. K. RAMSAY,
Advocate prosecuting for the Crown, District of Montreal.

To the Hon. George Et. Cartier,
Attorney-General, Lower Canada, Ottawa.

(A.)

To the Editor of the "Montreal Gazette."

Sir,

THE "Herald" of this morning contains two columns of the report of a pretended judicial proceeding in the Lamirande case, accompanied by a characteristic attack on the Attorney-General. It is very plain that the declamation of Mr. Justice Drummond and Mr. Doutre *à propos* of nothing (for there was no case, and neither of them ventured to move for or take any rule or other proceeding), was simply intended to give Mr. Cartier's enemies a pretext for abusing him; so impossible is it, without rectitude of purpose and complete sobriety, to overcome the recollection of political defeat. But my object is not to review or attempt to answer the contradictions and absurdities of these tirades. I feel perfectly satisfied that nothing I can say or write will ever prevent Mr. Justice Drummond from at all times preferring effect to truth, and therefore my explaining to him that to call the giving up of a prisoner on the warrant of the Governor kidnapping is simply a naked falsehood, would be a pure waste of time. I shall therefore briefly state how and why Lamirande was given up, and from that it will at once be obvious that the outcry of Mr. Drummond and Mr. Doutre is simply beside the question.

We have a Treaty with France, enforced by an Imperial Statute, by which we agree to give up persons accused of certain offences therein enumerated. The procedure is this: The French Government claims the extradition of the accused, and the Governor (in the Colonies) issues his warrant, charging all justices and officers of justice to aid in the capture of the fugitive. On his apprehension he is brought before a Magistrate, who deals with the charge, or who ought to deal with it, precisely as if the offence had been committed here. This being done, the prisoner is either fully committe or he is discharged. If committed, the papers are forwarded to the Government, and the Governor issues his warrant for the extradition of the prisoner, who is at once delivered up, provided there be no other cause (*i. e.* criminal cause) for his detention. It is an error to suppose that there is any right of appeal from the decision of the Governor; but if application is made in proper time a writ of *habeas corpus* may be procured, which would have the effect of bringing the prisoner before the Court or Judge to examine into the cause of his detention. In Lamirande's case no such writ was either granted or issued, and therefore it is positively untrue that the prisoner was in the hands of the Court or Judge, as Mr. Drummond said. Without this writ there was no power known to the law to stop the execution of the Governor's warrant; and this I at once explained to Mr. Justice Drummond in chambers, on Saturday morning, when he first spoke to me on the subject. I then told him that had the Sheriff consulted me, which he did not, I should have advised him to obey the warrant without a moment's loss of time. So unanswerable was this that Mr. Drummond, shifting his ground, said that he had put in a commitment before the removal of the prisoner; but I afterwards found that what he was pleased to call a commitment was no commitment at all, but an order not to deliver Lamirande up on any warrant whatever. What renders this proceeding doubly ludicrous is that Mr. Justice Drummond was the person most terribly severe upon Mr. Justice Mondelet for his order in the Blossom case; yet when Mr. Mondelet gave that order he was sitting at the Court of Queen's Bench, whereas when Mr. Drummond gave his he was prowling about the town at night without any official character

whatever but that of a Justice of the Peace. On Saturday afternoon Mr. Justice Drummond again shifted his ground, and he was pleased to tell me that it was my duty to interfere in some way or another, and prevent the Governor's warrant taking effect. For Mr. Justice Drummond's information, let me say that when I seek a guide as to duty I shall endeavour to select some one more immaculate than him, but in so far as regards the present case I may add that I was very unlikely to commit an illegality to prevent the extradition, inasmuch as I highly approved of it.

And now one word as to the prisoner. Lamirande was cashier of the Bank of France at Poitiers, and he there robbed his employers of 700,000 francs (28,000*l.* sterling), falsified books and entries (forged as the French Court calls it), and fled to the United States. Being arrested there and about to be extradited, he managed to drug his guard and escaped to Canada, while his lawyer stole the *arrêt de renvoi*, or French indictment, which formed part of the record before the Commissioner. And this is the person for whom Mr. Justice Drummond felt so lively a personal interest as to induce him to abandon the retirement of his home and endure the fatigues of sitting in chambers, for, I believe, almost the first time since the beginning of vacation.

While talking of conspiracy it would be, however, interesting to learn from Mr. Drummond, at whose invitation he undertook to adjudicate in Lamirande's case? The effort was not unpremeditated for the interesting fact was duly *heralded* on Friday morning.

Your obedient servant,
(Signed) T. K. RAMSAY.

Montreal, August 27, 1866.

(B.)

To the Editor of the "Montreal Gazette."

Sir,

IN this morning's issue of the "Herald" I find the following sentence:—

"That he (the Judge) did not do so (issue the writ of *habeas corpus* at once), therefore, was plainly due to a representation by the advocates for the prosecution, one of them representing the Attorney-General, which if not false in words was false in intention, and had all the effect of falsehood upon the Court whom these gentlemen were bound to assist instead of deceive."

It is of course of very little importance to me what gloss it may be convenient for the editors of the "Herald" to give to a very simple transaction; but it is, perhaps, as well the public should know that Mr. Kirby, one of the editors of the "Herald," was present in Chambers on Saturday afternoon, when Mr. Justice Drummond made the utterly unfounded statement that anything was said by me to give Mr. Doutre to understand that the prisoner would not be given up on the arrival of the Governor's warrant. I then immediately rose and contradicted Mr. Justice Drummond's statement in the most pointed manner; and moreover, I repeated the conversation which took place, which was to this effect, and as nearly as I recollect in these words. I said, "It was idle to talk of kidnapping (the expression used by Mr. Doutre), for the prisoner could only be removed by one process, that is, on the warrant of the Governor-General." I thus pointed out specially to the Judge and Mr. Doutre the single peril to which the prisoner was exposed, and Mr. Drummond did not venture in my presence to contradict my statement of the facts. It is, therefore, gross bad faith on his part, and on that of the writer in the "Herald" to renew an accusation which the Judge could not stand to the head of when first made and denied. The fact is Mr. Justice Drummond and Mr. Doutre are anxious to throw on my shoulders the responsibility of their own blunder. They had the means, or at least the Judge had, to stop the extradition without the interference of any one, and now he is furious because the gaoler, or I, or some one else, did not rush in to accept no end of responsibility to cover over his *laches*. In one place Mr. Justice Drummond suggests that "the gaoler might have waited till morning;" in another "that it was my duty to inform the Governor that a writ of *habeas corpus* was demanded!!" and after all this bombast, even after the delivery of the judgment, which ordered nothing, this is all that can be said—somebody might have done for Mr. Drummond what he ought to have done for himself.

It is not my intention at present to dwell on the extra-judicial opinions expressed

by Mr. Justice Drummond yesterday. With the public they will probably be differently estimated; but he is reported to have made one statement which I cannot pase over in silence. He says, "In fact, some persons engaged in the prosecution of this man for forgery have themselves been instrumental in a falsification of one of the most solemn documents that can be issued by the Governor-General." In answer to this I must state, without the least reserve, that this is the most audacious calumny I ever heard of in my life, for it impugns the authenticity of the Governor's signature, and of the great Seal of the province. No man knows better than Mr. Drummond that when the Governor is absent from the seat of Government, official documents are recorded, sealed and dated at the seat of Government, and forwarded to him for his signature. This was the practice when Mr. Drummond was Attorney-General, and one which was followed during the absence of tne Governor last winter when the Government was administered by Sir John Michel, who lived at Montreal.

In leaving this discussion to the arbitrament of the public, I shall permit myself to prophecy that no further proceeding of any kind will be taken in this matter, and for this very good reason that there is no room for any. Had there been anything wrong that could be taken hold of, will any one believe that Mr. Justice Drummond would have vacillated so many days between declarations of its not being for him to take the initiative, and threats of terrible measures for the 24th.

Your obedient servant,
(Signed) T. K. RAMSAY.

Montreal, August 29, 1866.

Incl. 3 in No. 2.

Inclosure 3 in No. 2.

Mr. BREHAUT to the Honourable the PROVINCIAL SECRETARY.

SIR, Police Office, Montreal, August 22, 1866.

I HAVE the honour to transmit herewith, the depositions and other documents in the case of Ernest Sureau Lamirande, for extradition.

I have, &c.
(Signed) W. H. BREHAUT, Police Magistrate.

The Hon. the Provincial Secretary,
Ottawa.

Incl. 4 in No. 2,

Inclosure 4 in No. 2.

DEPOSITIONS.

Police Office.

Province of Canada, District of Montreal,
City of Montreal.

To all or any of the Constables or other Peace Officers in the said District of Montreal, and to the Keeper of the Common Gaol at the said City of Montreal, in the said District of Montreal.

Whereas Ernest Sureau Lamirande, late of Poitiers, in the French Empire, now present in the city of Montreal, in the district of Montreal aforesaid, was this day charged before me, William H. Brehaut, Esq., Police Magistrate in and for the district of Montreal, on the oath of Edme Justin Melin and others, with the crime of forgery, by having, in his capacity of cashier of the branch of the Bank of France, at Poitiers, on the 12th day of March, 1866, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs:

And whereas a requisition has been made to his Excellency the Governor-General of this province, by the Consul-General of France in the provinces of British North America, pursuant to the terms of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, signed at London, on the 13th day of February, in the year of our Lord 1843; and the Acts of the Parliament of the United Kingdom of Great

Britain and Ireland, passed to give effect to the said Convention, to issue his warrant for the apprehension of the said Ernest Sureau Lamirande, accused of having committed the crime aforesaid, after the ratification of the said Convention:

And whereas in compliance with the said requisition, his Excellency the Governor-General has, by warrant under his hand and seal, bearing date at Ottawa, in the said province, the 26th day of July, in the year of our Lord 1866, required each and every the Justices of the Peace, and other Magistrates, and officers of justice, within their several jurisdictions in the said province of Canada, to aid in apprehending and committing him, the said Ernest Sureau Lamirande, to any one of the gaols within the said province of Canada, for the purpose of being delivered up to justice, according to the provisions of the said Convention and the Acts to give effect thereto:

And whereas it appears to the said Police Magistrate, that the acts charged against the supposed offender, are clearly set forth in a warrant of arrest or other equivalent judicial document, issued by a competent Magistrate in France:

And whereas divers persons have been examined upon oath before me, touching the truth of the said charge:

And whereas copy of a deposition taken in France touching the said charge, duly authenticated, has been produced and filed before me:

And whereas such evidence would be, according to the laws of Canada, sufficient to justify the apprehension and committal of the said Ernest Sureau Lamirande, if the offence of which he is accused, had been committed in Canada:

And whereas the said Ernest Sureau Lamirande, by himself and his counsel, has had full opportunity to cross-examine the said witnesses and to adduce such evidence as he deemed advisable in his own defence:

And whereas the said Ernest Sureau Lamirande has not shown any good cause why he should not be committed for extradition, according to the requirements of the said Convention, and the laws passed to give effect thereto:

These are therefore to command you, the said constables or peace officers, or any of you, to take the said Ernest Sureau Lamirande, and him safely convey to the common gaol, at the city of Montreal aforesaid, and there deliver him to the keeper thereof, together with this precept, and do hereby command you the said keeper of the said common gaol, to receive the said Ernest Sureau Lamirande into your custody in the said common gaol, and there safely to keep him until he is delivered pursuant to the requisition aforesaid, or by process of law.

Given under my hand and seal, this 22nd day of August, in the year of our Lord, 1866, at the said city of Montreal, in the district aforesaid.

(Signed) W. H. BREHAUT,
Police Magistrate.

(Seal)

Bureau de Police.

Province du Canada, District de Montreal,
Cité de Montreal.

Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, actuellement dans la cité de Montreal, dans le dit district, est accusé ce jour devant le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police dans et pour le district de Montreal, le quinzième jour d'Août de l'année de Notre Seigneur mil huit cent soixante-six, d'avoir le dit Ernest Sureau Lamirande, le douzième jour de Mars dernier, à Poitiers, dans l'Empire Français, commis le crime de faux en ayant, en sa qualité de Caissier de la succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite Banque et par ce moyen fraudé la dite Banque de la somme de sept cent mille francs, en contravention à la loi; et la dite accusation étant lue au dit Ernest Sureau Lamirande, et les témoins à charge, Edme Justin Melin, Louis Leonce Coudert, Frédéric R. Coudert, et Abel Frédéric Gautier, étant interrogés séparément en sa présence, j'ai adressé la parole au dit Ernest Sureau Lamirande, comme suit:—

"Ayant entendu le témoignage, désirez-vous dire quelque chose en réponse à l'accusation? Vous n'êtes pas obligé d'y répondre, à moins que vous ne le vouliez bien; mais tout ce que vous direz sera mis par écrit, et pourra faire preuve contre vous lors de votre procès."

Là-dessus le dit Ernest Sureau Lamirande dit comme suit: "Mes avocats m'ont avisé de ne rien dire."

Et le dit accusé ne dit rien de plus et a signé la présente, ayant été lue en sa présence.

(Signé) E. S. LAMIRANDE.

Prise devant moi à la Cité de Montreal, les jour et an ci-dessus mentionnés.

(Signé) W. H. BREHAUT, P. M.

Session Spéciale de la Paix.

Devant WM. H. BREHAUT, Ecr., Magistrat de Police.

Dans le cas d'Ernest S. Lamirande, sur Extradition.

La poursuite ayant déclaré n'avoir pas d'autre preuve que celle qui se trouve au dossier, le prisonnier se réservant de faire une preuve si la présente demande n'était pas accordée, demande qu'il soit élargi, attendu que rien ne justifie sa plus longue détention.

Montreal, le 15 Août, 1866.

(Signé) JOSEPH DOUTRE,
Avocat du Prisonnier.

(A.)

Two thousand dollars reward will be paid for the re-arrest of one Ernest Sureau Lamirande, who escaped from the custody of a Deputy Marshal of the United States on the 3rd of July instant.

He is of a dark bilious complexion, about 5 feet 6 inches high, slight build, very dark eyes, black hair, slightly touched with grey. Had one tooth decayed and partly broken on the left side of the upper jaw. Wore a full beard at the time of his escape, and was dressed in black. Speaks no English.

Apply to:

COUDERT BROTHERS,
49, Wall Street, New York.

(B.)

Sureau de Lamirande, *alias* Lamirande, Ernest Charles Constant, accused of thefts ("qualifiés"), breaches of trust ("qualifiés"), forgeries in commercial or banking accounts, and of having made use of forged documents ("pièces").

Assizes of the Department of the Vienne.—May 29, 1866.

Napoleon, by the grace of God and will of the people Emperor of the French, to all to whom these presents shall come, greeting:

The Imperial Court of Poitiers has, in the Chambre des Mises en Accusation, rendered the following Decree:—

After hearing the report made to-day in the name of the Procureur-General (District Attorney), by Mr. Duverger, his substitute, of the criminal proceedings instituted before the tribunal of the district of Poitiers (Vienne), against Sureau de Lamirande *alias* Lamirande, Ernest Charles Constant, former cashier of the branch of the Bank of France in Poitiers, 42 years of age, born on the 29th of October, 1823, at Civray (Vienne), residing latterly at Poitiers (and who has since absconded), charged with thefts ("qualifiés"), breaches of trust ("qualifiés"), forgeries in commercial or banking accounts, and of having made use of forged documents:

Having seen all the papers and proceedings in the case:

Having seen also the requisitoire (requisition) of the Procureur-General under date of this day, written and signed by Mr. Duverger, his substitute, and which reads as follows:

Having seen the Articles 379, 386, 408, 147, 148, and 164 of the Penal Code, and the Article 217 and those following of the Code d'Instruction Criminelle:

Whereas from the judicial examination of the charges and evidence of guilt result there appear sufficient grounds to arraign the accused on his trial for the offences which are charged to him, and which being qualified crimes, are punished with afflictive and ignominous penalties by the afore-quoted Articles of the Penal Code :

Whereas, in fact, on the 12th of March, 1866, Sureau Delamirande, who was only known under the name of Lamirande, which he always used to sign, cashier at the branch of the Bank of France at Poitiers, since the month of August 1858, has absconded, carrying with him the key of the upper compartment of the safe, for daily use, of which he was the only accountant, and of which he had the handling in his aforesaid capacity, in which compartment were contained a large amount of funds and bills of the Bank of France ; and that the examination of that safe has shown, that previous to his departure Sureau de Lamirande embezzled from said safe, and appropriated to his own use 485,271 francs 64 centimes in specie and bank-bills belonging to the Bank of France :

Whereas, in order to ascertain the whole amount of the embezzlements or substractions of which the cashier had been guilty, there had been instituted an immediate and minute examination of all the valuables which should have been in the reserve of the bank, which is called vault or cellar, and in which is deposited the specie which is taken from the safe for daily use in proportion as the latter contains too much of it, but which is no longer at the personal and exclusive disposition of the cashier, for one can only enter that vault or cellar by means of two different keys, one of which is in the hands of the director ; and that it has been established, according to the accounts, that there was there a deficiency of 219,004 francs 30 centimes, either by the impairing of a large number of bags of gold and silver practised by the cashier, or by the substraction of gold bags, which it was easy for the latter to abstract in the cellar or vault where he was superintending the deposits and the shipments of funds when he was alone, by taking advantage of the absence of the director and the employés of the bank who had charge of the transfer of the bags :

Whereas it is thence proved that Sureau de Lamirande has embezzled or fraudulently abstracted, to the prejudice of the Bank of France, while he was the paid cashier thereof, a total amount of 704,275 francs 94 centimes :

Whereas Sureau de Lamirande, in his capacity of cashier, had to furnish the Director of the Bank, every evening, with a statement ("bordereau de situation") signed by him, and in which he certified the state of the several safes of the bank, indicating by their several values the sums contained in each of them, that is to say, in the safe for daily use, in a second safe, called "auxiliary safe," and in the vault. That he has made that "bordereau," or daily balance-sheet, on the 12th of March, 1866, a few hours previous to his departure. That thus, by handing on that said day to the Director of the Branch a balance-sheet certified true, and signed by him, attesting that the totality of the cash of the Branch of Poitiers amounted to 11,443,566 francs 84 centimes, while in reality the cash was lessened by the amounts embezzled or abstracted by him, he has been guilty of forgery in commercial or banking accounts, by fraudulently altering in the said balance-sheet the declarations and facts which it was to contain and establish, and has, besides, knowingly made use of said forged statement by handing it to the director, all in order to conceal the fraudulent substractions and the embezzlements he had perpetrated :

Whereas the said thefts and embezzlements commenced at a period long prior to the 12th of March, 1866, Sureau Lamirande, in order to conceal them, has constantly since then, up to this last date of the 12th of March, inserted in the daily balance-sheets made up and handed by him to the director, the false declaration that there was in cash a superior amount to that which was really there, which multiplies the forgeries which he has perpetrated :

The Procureur-General requests that it please the Court to declare that there is reason to arraign said Sureau de Lamirande, *alias* Lamirande, Ernest Charles Constant, 42 years of age, former cashier of the Branch of the Bank of France in Poitiers :—

1. For having within ten years, at Poitiers, fraudulently abstracted sundry amounts of specie in gold or silver, in the vault or cellar of the Branch of the Bank of France, and at the prejudice of that establishment. For having perpetrated those fraudulent substractions with the circumstance that he was the hired

"salarié" cashier or hired employé ("homme de service à gages") of the said Bank of France.

2. For having at Poitiers, within ten years, and, namely, on the 12th of March, 1866, embezzled or made away with, to the prejudice of the Bank of France, who was the owner thereof, funds and bills placed in the safe for daily use of the Branch of Poitiers, which had only been handed over and entrusted to him in trust or by way of mandate, upon condition to return or account for them, or to use and employ them as he should be directed. For having perpetrated the embezzlements hereabove specified under the circumstance that he was the cashier or hired clerk of the said Bank of France.

3. With having at Poitiers, on the 12th of March, 1866, fraudulently inserted in the balance-sheet signed by him, which it was his duty to establish and to certify every day in his capacity of cashier of the Branch of the Bank of France, in order to state the cash account of said branch, the false declaration that the cash account, on said day, amounted to 11,443,556 francs 84 centimes, while it was, in reality, inferior to that amount by all the sums abstracted or embezzled by him, and having thus fraudulently altered the declarations and facts which this balance-sheet was to contain and establish.

4. For having on the same day and at the same place made use of that forged document, knowing it to be a forgery when handing it over to the Director of the branch of the Bank of France in Poitiers, to establish the situation of the cash account of that establishment on the 12th of March, 1866.

5. For having at Poitiers within ten years and previously to the 12th day of March, 1866, fraudulently inserted in several balance-sheets signed by him, which it was his duty to establish, and to certify every day in his capacity as cashier of the branch of the Bank of France, in order to state the cash account of said branch, the false declarations that the cash account amounted to a sum superior to that which really existed, which was inferior to the figure indicated by all the sums abstracted or embezzled by him, and having thus fraudulently falsified the declarations, and facts which these balance-sheets were to contain and to establish.

6. For having at the same period and at the same place made use of those forged documents, knowing that they were forged when handing them over to the Director of the branch of the Bank of France in Poitiers, in order to establish the balance-sheet of that establishment on the days indicated.

Said instruments and requisitoire having been read by the Court in the presence of the substitute of the Procureur-General and of the clerk, have been left on the desk.

The substitute of the Procureur-General and the clerk having withdrawn.

The Court after having deliberated thereon without leaving the Court-room, and without communicating with anyone.

Whereas the acts in question are provided for and qualified crimes by the Articles 379, 386, 408, 147, 148, 164 of the Code Penal, and that from the proceedings result charges and indications of culpability sufficient to cause the accused to be arraigned and sent before the assizes.

Adopting, moreover, the facts and motives enumerated in the requisitoire of the Procureur-General here-above transcribed.

Declares that there is cause to arraign Ernest Charles Constant Sureau de Lamirande, *alias* Lamirande—

1. For having within ten years at Poitiers fraudulently abstracted sundry amounts of specie in gold or silver, in the vault or cellar of the branch of the Bank of France, and at the prejudice of that establishment.

For having perpetrated these fraudulent substractions with the circumstance that he was the hired ("salarié") cashier, or hired employé ("homme de service à gages") of the said Bank of France.

2. For having at Poitiers within ten years, and namely, on the 12th of March, 1866, embezzled and made away with, to the prejudice of the Bank of France, who was the owner thereof, funds and bills placed in the safe for daily use of the branch of Poitiers, which had only been handed over and entrusted to him in trust, or by way of mandate, upon condition to return or account for them, or to use or employ them as he should be directed.

For having perpetrated the embezzlements here-above specified under the circumstance that he was the cashier or hired clerk of the said Bank of France.

3. With having at Poitiers, on the 12th of March, 1866, fraudulently inserted

on the balance-sheet signed by him, which it was his duty to establish and to certify every day in his capacity of cashier of the branch of the Bank of France, in order to state the cash account of said branch, the false declarations that the cash account, on said day amounted to 11,443,556 francs 84 centimes, while it was in reality inferior to that amount, by all the sums abstracted or embezzled by him, and having thus fraudulently altered the declarations and facts which this balance-sheet was to contain and establish.

4. For having on the same day and at the same place made use of that forged document, knowing it to be a forgery when handing it over to the Director of the branch of the Bank of France in Poitiers, to establish the situation of the cash account of that establishment on the 12th of March, 1866.

5. For having at Poitiers within ten years, and previously to the 12th of March, 1866, fraudulently inserted in several balance-sheets signed by him, which it was his duty to establish and certify every day in his capacity of cashier of the branch of the Bank of France, in order to state the cash account of said branch, the false declarations that the cash account amounted to a sum superior to that which really existed, which was inferior to the figure indicated, by all the sums abstracted or embezzled by him, and having thus fraudulently falsified the declarations and facts which those balance-sheets were to contain and to establish.

6. For having at the same period and at the same place made use of those forged documents, knowing that they were forged when handing them over to the Director of the branch of the Bank of France in Poitiers, in order to establish the balance-sheet of that establishment on the days indicated.

In consequence sends said Ernest Charles Constant Sureau de Lamirande, *alias* Lamirande, before the Court of Assizes of the Vienne, at Poitiers, in order to be tried according to the law.

With a view to which the Procureur-General will draw up the arraignment against him.

The Court orders moreover that all constables ("huissiers") or officers of the public force shall arrest Sureau de Lamirande, *alias* Lamirande, Ernest Charles Constant, formerly cashier of the branch of the Bank of France in Poitiers, forty-two years of age, born on the 29th of October, 1823, at Civray (Vienne), residing latterly at Poitiers (and who has since absconded), to be directly brought to the gaol established near the Court of Assizes of the Vienne, in Poitiers, and entered in the gaol-book of the said gaol, as accused of the acts enumerated in part of the present Decree, and constituting the crimes provided for and punished by the Articles 379, 386, 408, 147, 148, 164 of the Code Penal.

Thus adjudicated at the Imperial Court (Chambre des Mises en Accusation), at Poitiers, the 29th day of May, 1866, by Messrs. Bonnet, Knight of the Imperial Order of the Legion of Honour, President, Gaillard, Knight of the Imperial Order of the Legion of Honour, Aubin, Pareault, Barbier (this latter called in to complete the required number), Counsellors ("Conseillers"), who have all signed the present Decree, as well as Mr. E. Marrot, Chief Clerk.

We summon and order all constables, who will be so requested to execute the said Decree, to all our Procureurs-Généraux and to our Procureurs near the tribunals of first instance to stand by it, to all the commanders and officers of the public force to give their help when they will be legally required to do so.

A correct and authentic copy delivered to the Procureur-General, who has demanded it.

The Chief Clerk,

(Seal of Imperial Court of Poitiers) (Signed) E. MARROT.

Examined by us Jean Baptiste Fortuné Fortoul, Knight of the Imperial Order of the Legion of Honour, First President of the Imperial Court of Poitiers, for legalization of the signature of Mr. E. Marrot, Chief Clerk of the said Court.

Poitiers, May 31, 1866.

(Seal of Imperial Court of Poitiers) (Signed) FORTOUL.

(Seal of Imperial Court of Poitiers, First Presidence)

Examined by us President of the Chambre des Mises en Accusation of the Imperial Court of Poitiers.

Poitiers, May 31, 1866.

(Signed) ARMAND BONNET.

(Seal of Imperial Court of Poitiers)

Examined by us Jean Baptiste Fortuné Fortoul, Knight of the Imperial Order of the Legion of Honour, First President of the Imperial Court of Poitiers, for legalisation of the signature of Mr. Bonnet, President de Chambre, in said Court.

Poitiers, May 31, 1866.

(Seal of Imperial Court, First Presidence, Poitiers)

Transmitted the present arraignment to his Excellency, the Keeper of the Seals, Minister of Justice and of Worship, by us Procureur-General near the Imperial Court of Poitiers.

Poitiers, May 31, 1866.

The Procureur-General,

(Seal of Imperial Court of Poitiers, Procureur-General) (Signed) DAMAY.

Seen for authentication of the above signature of Messrs. Bonnet, Fortoul, and Damay.

Paris, June 2, 1866.

By delegation of the Keeper of the Seals,
Minister of Justice and Worship,
The Chief Clerk,
(Signed) CH. MAURAT LAROCHE.

(Seal of Keeper of the Seals, Minister of Justice and Worship)

The Minister of Foreign Affairs certifies as genuine the signature of Mr. Maurat Laroche.

Paris, June 2, 1866.

By authorization of the Minister,
For the Sub-Director, Chief of the Chancellor's Office,
(Seal of Foreign Office) (Signed) DUBOIS.

Examined at the Legation of the United States of America at Paris, June 4, 1866.

The signature of M. Dubois duly legalised.

(Signed) JOHN HAY,
(Seal of Legation of the United States of America in France) Secretary of Legation.

A true copy. (Signed) W. H. BREHAUT, P.M.

Tribunal de Poitiers, Cabinet du Juge d'Instruction.

L'an 1866, et le 2 Avril :

DEVANT nous, Alexandre Henri Jolly, Juge d'Instruction de l'arrondissement de Poitiers, Département de la Vienne, en notre cabinet, au Palais de Justice de Poitiers, assisté de Gustave Poncin, Commis Greffier assermenté :

A comparu sur notre invitation le témoin ci-après, auquel nous avons donné connaissance des faits sur lesquels il est appelé à déposer.

Lequel témoin, introduit hors la présence de l'inculpé, après avoir prêté serment de dire toute la vérité, rien que la vérité, et enquis par nous de ses noms, prénoms, âge, profession et demeure, s'il est domestique, parent ou allié de l'inculpé et à quel degré, nous a répondu et fait sa déposition ainsi qu'il suit :—

Du Bois de Jancigny, Henri Marie, âgé de 31 ans, Inspecteur de la Banque de France, demeurant à Paris :—

J'ai été envoyé par M. le Gouverneur de la Banque de France pour faire une enquête sur les faits signalés par M. le Directeur de la Succursale de Poitiers, dans ses dépêches du 13 Mars au soir ; ces dépêches avertissaient le Gouvernement de la Banque de la fuite de Lamirande, caissier de la dite succursale, et d'un déficit en espèces évalué dans le premier moment à 190,000 francs. Je suis arrivé à Poitiers, e Mercredi 14 Mars, à 5 heures du soir, et me suis immédiatement rendu dans les bureaux de la succursale de la Banque, où M. Bailly, Directeur, M. de Gretry, l'un des censeurs, et plusieurs administrateurs, achevaient la vérification de la serre aux espèces et de la caisse auxiliaire commencée la veille. Toute l'attention était à ce moment concentrée sur la caisse courante, celle dans laquelle le caissier puise à son gré pour les besoins du service, et la seule dont il ait l'entière disposition, puisque le Directeur n'en possède aucune clé.

Outre les vantaux extérieurs qui la protègent, cette caisse en fer se divise en trois compartiments superposés, et fermés chacun par un petit volet, également en fer, et muni d'une serrure particulière. Il y a donc les clés principales, c'est-à-dire celles des vantaux extérieurs et trois clés différentes pour chacun des compartiments intérieurs.

Or, Lamirande en partant avait eu soin de laisser à M. Queyriaux, teneur de livres de la succursale, les clés nécessaires pour ouvrir deux de ces trois compartiments ; celui du milieu dans lequel se trouvait un approvisionnement en billets de toute coupure et en espèces suffisant pour faire face aux besoins du service, et celui du bas qui servait de dépôt aux titres engagés pour avances, et aux effets de commerce constituant le portefeuille de la succursale. Mais la clé la plus essentielle, celle du compartiment supérieur dans lequel était enfermée la masse des billets et dix-sept sacs d'or de 20,000 francs chaque, n'avait pas été retrouvée. Cette particularité était assurément très-grave dans les circonstances où l'on se trouvait, et elle avait fait naître dans l'esprit de tous des appréhensions pénibles. La crainte avait augmenté à mesure qu'on avait pu reconnaître l'étendue du déficit en espèces.

Pour moi, et dès mon arrivée, Lamirande étant en fuite depuis quarante-huit heures, et ayant pris la précaution de laisser toutes ses clés, moins celle du compartiment qui contenait précisement la réserve des billets qui devait être à peu de chose près de 500,000 francs, il ne pouvait être douteux que cette réserve avait disparu, et dans mon esprit Lamirande avait emporté tout ce qu'il avait pu.

Je fis forcer le volet de ce compartiment en présence du Directeur et de la plupart des administrateurs, et nous reconnûmes qu'en effet tout avait disparu, moins 40,000 francs en billets de cent francs, et les dix-sept sacs d'or de 20,000 francs qui étaient en apparence intacts.

A partir de ce moment, reprenant à nouveau le travail commencé par le Directeur, assisté des membres de son conseil, je m'occupai de la vérification de la serre aux espèces, de la caisse auxiliaire, et de la caisse courante. Cette vérification a été minutieusement faite par moi, en présence du Directeur, et à l'aide des garçons qui ont pesé sous mes yeux toutes les espèces d'or et d'argent, contenues soit dans la serre soit dans la caisse auxiliaire, soit dans la caisse courante. J'ai compté personnellement tous les billets.

La situation du 12 Mars au soir, la dernière que fit Lamirande et qui est signée par lui, ne pouvant plus concorder avec ce qui existait en caisse au moment de mon arrivée le 14 au soir, puisqu'il y avait eu pendant les journées du 13 et du 14 des entrées et des sorties de billets et d'espèces, je fus obligé pour établir rationnellement et avec certitude le chiffre du déficit, de constater le mouvement de ces deux journées ; et je reconnus que le 14 au soir, les caisses devaient contenir ensemble, d'après les écritures du Journal et du Grand-Livre de la Succursale, 11,261,533 francs 9 centimes, tandis qu'en réalité les sommes que j'y avais trouvées en billets, or, argent et billon, le tout appartenant à la Banque de France, ne s'élevaient qu'à 10,557,257 francs 15 centimes, ce qui constituait un déficit total de 704,275 francs 94 centimes, dont 219,004 francs 30 centimes manquaient en espèces dans la serre, et 485,271 francs 64 centimes manquaient dans la caisse courante, cette dernière somme presque toute en billets.

Demande. Les questions que nous allons vous adresser n'ont certainement pas pour cause un soupçon qui atteindrait M. le Directeur. M. Queyriaux, chef de comptabilité, jouit lui aussi d'une réputation intacte ; mais vous venez de dire, et cela ce comprend, que vous n'avez pu faire la situation de la caisse qu'au moment de votre arrivée. Or, pendant les journées du 13 et du 14 M. Queyriaux a confondu les fonds qu'il recevait et ceux qu'il touchait dans la caisse altérée du caissier Lamirande ; d'un autre côté les deux clés de la serre auraient été depuis le 13 au soir jusqu'au 14, à 4 heures, dans les mêmes mains, contrairement aux règlements ; si l'inculpé était présent ne pourrait-il pas rejeter sur d'autres une partie de la responsabilité qu'on fait peser sur lui, et pourriez-vous nous fournir le moyen de combattre ce système de défense ?—*Réponse.* Ce système n'aurait à mes yeux aucune valeur. Je reconnais que rigoureusement il est possible de dire que le 13 au matin, M. Queyriaux, abusant des fonds qu'il avait à sa disposition par la délégation du Caissier, a pu soustraire de ces fonds quelques billets de cent et de cinquante francs, puisque c'est lui seul qui a reconnu la partie de la caisse courante que lui abandonnait Lamirande, mais j'oppose à ce soupçon d'abord la parfaite honorabilité de M. Queyriaux qui est notoirement établie, ensuite le danger auquel il se serait exposé en opérant un détournement quelconque. En effet, le Caissier

avait annoncé son retour pour faire sa caisse, tout le monde croyait à ce retour, et ce n'est qu'après quatre heures, c'est-à-dire, quand les opérations étaient déjà closes qu'on a commencé à avoir la certitude de la fuite de Lamirande.

D'ailleurs, l'essentiel en pareille circonstance est d'avoir un point de départ exact qui puisse servir de base à toutes les opérations, quelles qu'en soient l'importance et la durée. Je ne puis vous assurer que M. Queyriaux a compté tous ses billets et toutes ses espèces le 13 au matin, puisque je n'y étais pas; mais ce que je puis vous dire, c'est que cet employé m'a remis une situation datée du 13 au matin, détaillée par nature de billets et constatant aussi le nombre de sacs d'or et d'argent, ainsi que la monnaie d'or et d'argent en rouleaux et à découvert. Donc, pour moi, la reconnaissance des valeurs laissées à la disposition de M. Queyriaux a été faite par lui, si non rigoureusement au moins très-approximativement, et s'il est vrai de dire que les fonds qui ont servi aux opérations de la succursale pendant les journées du 13 et du 14 ont été pris ou versés dans une caisse altérée, il est inexact de supposer qu'il ait pu y avoir un trouble ou une confusion quelconque dans le maniement de ces fonds, dont les entrées et les sorties sont établies de la manière la plus nette et la plus claire par des écritures authentiques.

Quant aux clés, l'objection ne me parait pas plus fondée. Je me suis informé de ce qui s'est passé relativement à la double clé qui ouvre la caisse auxiliaire et la serre, et j'ai su par le témoignage de M. Bailly, de M. Queyriaux, et des garçons de recette de la succursale, que le Mardi soir, la clé de la porte qui conduit à la caisse auxiliaire et à la serre avait été enfermée par M. Bailly dans les compartiments inférieurs de la caisse courante dont M. Queyriaux, caissier par intérim, avait emporté la clé, et que M. Bailly, détenteur de l'autre clé qui ouvre la caisse auxiliaire et la serre, avait en outre fermé les volets extérieurs qui couvrent tous les compartiments de la caisse courante et en avait gardé la seconde clé.

De cette façon M. Queyriaux avait une des clés des trois caisses et M. Bailly les autres. Le règlement a donc été parfaitement observé.

D. Vous savez que plus de 400 sacs de 1,000 francs en écus ont été trouvés altérés dans la serre; on avait aussi substitué dans des sacs d'or des pièces d'argent: pouvez-vous faire connaître votre appréciation sur la manière dont les altérations ont eu lieu?—*R.* Il m'est impossible d'admettre que les altérations des sacs d'argent ont été commises dans la serre. Il fallait avoir pendant longtemps à sa disposition ces sacs pour les vider en partie et les rogner, et on ne laissait jamais Lamirande assez longtemps seul dans la serre pour qu'il y puisse consommer cette opération. Toutes les fraudes ont dû se commettre dans la caisse même où Lamirande déjeunait tous les jours. Il avait à ce moment tout le temps de préparer ses sacs, puisque le teneur de livres sortait pour déjeuner à la même heure, et que les garçons ne rentrent jamais avant une heure de l'après-midi. Le bureau du Directeur est séparé de la caisse par deux vastes pièces; il pouvait donc entendre venir son Directeur et se cacher. Il était également averti par le bruit des pas et de la porte d'entrée qu'il fallait ouvrir, si quelqu'un venait à sa caisse pour payer ou recevoir. Il pouvait donc parfaitement commettre ces altérations dans sa caisse.

Je crois aussi qu'il lui était facile de faire transporter les sacs ainsi altérés dans la serre ou dans la caisse auxiliaire. Il co-opérait souvent à ce transport, qui devrait n'être fait que par les garçons.

Il a pu aussi, pendant une opération effectuée dans la serre, mettre dans sa poche un sac préparé à l'avance et contenant des pièces d'argent, pour le substituer dans la serre à un sac intact contenant 10,000 francs en or. Je me suis assuré de cette possibilité en descendant dans la serre avec un sac dans mes poches pour en remonter un autre contenant 10,000 francs en or.

Quant à la date des détournements sur lesquels vous appelez aussi mon attention, je crois que les détournements en argent sont bien antérieurs aux détournements d'or. Ainsi les sacs altérés se trouvaient dans des cases qui ne servaient plus depuis plusieurs années aux expéditions de fonds. La toile était pourrie et il était impossible de les ouvrir et de les refermer. Probablement que les sacs d'or n'ont été altérés que quand il ne lui a plus paru possible d'altérer les sacs d'argent. Les sacs d'argent altérés les premiers l'ont été il y a peut-être quatre ans. Il y a beaucoup moins de temps qu'on a commencé à altérer les sacs d'or.

D. Les livres tenus par Lamirande étaient-ils réguliers et au courant?—*R.* Il y avait un grand désordre dans toute sa comptabilité. Je m'exprime administrativement, car il ne s'agit que d'irrégularités de forme. Lamirande devait tenir un livre intitulé "Journal de Caisse," dont les feuilles sont cotées et paraphées, et qui doit être arrêté chaque soir ou au plus tard le lendemain matin. Les Caissiers

tiennent ordinairement une main courante, qui n'est autre qu'un livre de caisse provisoire et qu'ils copient ensuite sur le livre journal pour tenir ce dernier plus proprement. Or Lamirande, qui devait faire chaque soir cette copie, ne l'avait pas faite depuis le mois d'Octobre dernier, époque du passage de l'inspecteur.

Il résulte de tout ce que je viens de dire que les soustractions reprochées à Lamirande remontant à trois ou quatre ans ; il a dû fournir chaque jour pendant ces trois ou quatre années une situation mensongère ; et il a attesté cette situation par sa signature, ce qui parait constituer autant de faux en écriture de banque.

Lecture faite, le témoin a persisté et a signé avec nous et le greffier.

La présente copie transcrite sur huit rôles et certifiée exacte par nous soussigné, Juge d'Instruction de l'arrondissement de Poitiers.

Poitiers, le 27 Avril, 1866.

(Sceau) (Signé) JOLLY.

Vu pour légalisation de la signature de M. Jolly apposée ci-contre.

Paris, le 30 Avril, 1866.

Par délégation du Garde des Sceaux,
Ministre de la Justice et des Cultes,
(Sceau) Le Chef de Bureau,
(Signé) CH. MAURAT LAROCHE.

Le Ministre des Affaires Etrangères certifie véritable la signature de Ch. Maurat Laroche.

Paris, le 30 Avril, 1866.

Par autorisation du Ministre,
Pour le Sous-Directeur, Chef de la Chancellerie,
(Sceau) (Signé) DUBOIS.

Vu à la Légation des Etats-Unis d'Amérique à Paris, le 1 Mai, 1866. Bon pour la légalisation de la signature de M. Dubois apposée ci-contre.

(Signé) JOHN HAY,
(Sceau) Secrétaire de Légation.

Nous, Garde des Sceaux Ministre Secrétaire d'Etat de la Justice et des Cultes, certifions véritable la signature de M. Jolly, Juge d'Instruction près le Tribunal de Poitiers, lequel Juge est autorisé, d'après les lois de l'Empire, à recevoir les dépositions, et à faire prêter serment aux déposants.

Paris, le 2 Juin, 1866.

(Sceau) (Signé) J. BAROCHE.

Nous, Ministre Secrétaire d'Etat au Département des Affaires Etrangères de France, certifions véritable la signature de M. Baroche, Ministre Secrétaire d'Etat du Département de la Justice et des Cultes de France.

Paris, le 28 Juin, 1866.

Le Ministre Secrétaire d'Etat au Département des Affaires Etrangères de France,
(Sceau) (Signé) DROUYN DE LHUYS.

Legation of the United States, Paris, Empire of France,
June 29, 1866.

I, John Bigelow, Envoy Extraordinary and Minister Plenipotentiary of the United States to the Empire of France. do hereby certify that the foregoing deposition is legally and properly authenticated, so as to entitle it to be received in evidence by the tribunals of this country as prescribed by the Act of Congress, approved June 22, 1860.

(Seal) (Signed) JOHN BIGELOW.

(D.)

Procès-Verbal de Saisie de Pièce à Conviction.

L'an 1866, et le 29 de Mars :

Nous, Alexandre Henri Jolly, Juge d'Instruction de l'arrondissement de Poitiers, assisté de M. Gustave Poncin, notre Greffier :

Vu la procédure suivie contre Lamirande, inculpé de détournement au préjudice de la succursale de la Banque de France à Poitiers :

Attendu qu'il résulte de l'instruction que l'inculpé, en sa qualité de caissier, signait chaque jour à quatre heures, quelquefois cinq heures, après la clôture des opérations de la succursale un état de situation de la caisse :

Que le 12 Mars, 1866, il a signé un état de situation duquel il résultait que la serre contenait 850 sacs d'argent de 1,000 francs chacun, et 36 sacs d'or de 10,000 francs chacun. Que la caisse auxiliaire contenait en billets et espèces 8,810,011 francs, et que la caisse courante contenait, en billets 892,300 francs, et en espèces, 503,700 francs 54 centimes :

Attendu que des soustractions ont été commises depuis longtemps dans la serre, et avant la rédaction du bordereau dont nous venons de donner l'analyse, dans la caisse courante ; que par conséquent l'inculpé a, en sa qualité de caissier, altéré les écritures de banque, ou affirmé par sa signature une situation mensongère :

Qu'il importe par conséquent de saisir le bordereau dont il s'agit, comme pièce à conviction :

Nous nous sommes transporté, comme dit est, à la succursale de la Banque de France, et avons reçu des mains de M. Bailly, Directeur, le bordereau dont il vient d'être parlé, qui a été signé ne varietur par lui, nous et notre Greffier.

Nous avons déclaré cette pièce saisie pour être déposée au greffe du tribunal et servir ce que de droit.

Et après lecture nous avons signé avec M. le Directeur et notre Greffier. Ainsi signé—Bailly : Jolly, Juge d'Inst. : Poncin, Greffier.

La présente copie certifiée conforme à l'original par nous, Juge d'Instruction soussigné.

La présente copie, transcrite sur un rôle et demi, est certifiée exacte par nous soussigné, Juge d'Instruction de l'arrondissement de Poitiers.

Poitiers, le 26 Avril, 1866.

(Sceau) (Signé) JOLLY.

Vu pour légalisation de la signature de M. Jolly, apposée ci-dessus.

Paris, le 30 Avril, 1866.

Par délégation du Garde des Sceaux,
Ministre de la Justice et des Cultes,
(Sceau) Le Chef de Bureau,
(Signé) CH. MAURAT LAROCHE.

Le Ministre des Affaires Etrangères certifie véritable la signature de Ch. Maurat Laroche.

Paris, le 30 Avril, 1866.

Par autorisation du Ministre,
Pour le Sous-Directeur Chef de la Chancellerie,
(Sceau) (Signé) DUBOIS.

Vu à la Légation des Etats-Unis d'Amérique à Paris, le 1 Mai, 1866. Bon pour la légalisation de la signature de M. Dubois apposée ci-contre.

(Signé) JOHN HAY,
(Sceau) Secrétaire de Légation.

Bureau de Police.

Province du Canada, District de Montreal,
Cité de Montreal.

La dénonciation et plainte d'Edme Justin Melin, Inspecteur Principal de Police de la ville de Paris, dans l'Empire Français, actuellement dans la cité de Montreal, dans le district de Montreal, prise sous serment ce 16me jour d'Août, dans l'année de notre Seigneur 1866, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police dans et pour le district de Montreal, lequel déclare :—

Le 17me jour de Mars dernier j'ai été chargé par le Préfet de Police de la ville de Paris susdite de rechercher et arrêter un nommé Ernest Sureau Lamirande, caissier de la succursale de la Banque de France à Poitiers, dans l'Empire Français, lequel était placé sous le coup d'un mandat d'arrêt, lancé par le Juge d'Instruction à Poitiers susdit, sous l'inculpation de détournement de fonds, au préjudice de la Banque de France, au montant de 700,000 francs. Mes renseignements me démontrèrent que le dit Ernest Sureau Lamirande avait quitté la France pour se rendre

en Angleterre. Je le suivis là, et trouvai son passage à Londres et à Liverpool, où il s'était embarqué sous le nom de "Thibault," à bord du vapeur "Moravian," en destination pour Portland, dans l'Etat du Maine, un des Etats-Unis d'Amérique. Je m'embarquai de suite pour les Etats-Unis, et j'arrivai à New York le 2 Avril dernier.

Après l'avoir cherché à New York, il fut découvert au Metropolitan Hotel, et appréhendé le 9 du dit mois d'Avril. Après son arrestation à New York, comme susdit, un arrêt de renvoi fut expédié par le Procureur Impérial à Poitiers au Consul-Général de France à New York, l'accusant, en outre, du détournement de fonds, de falsification d'écritures, et de faux en écritures de commerce, par son bordereau de situation mensonger, et de fausses entrées dans les livres de la dite succursale, fraudant par là la dite Banque de France au montant de 700,000 francs. Le dit arrêt de renvoi a été émané après une instruction complète faite par le Juge d'Instruction à Poitiers.

Pendant sa détention à New York je lui fis de nombreuses visites, et il devint très-expansif vis-à-vis de moi. Il a plusieurs fois avoué et confessé volontairement, et sans promesses ni menaces, en ma présence, avoir détourné des fonds au montant sus-mentionné; et il m'a même souvent dit comment il s'y prenait pour sortir les fonds de la banque. Après l'arrivée de l'arrêt de renvoi à New York, je lui en donnai avis, lui disant qu'il était accusé de plus de faux en écritures de commerce par son bordereau de situation, et il me répondit, "C'est vrai; je le sais bien." Plusieurs fois depuis il me fit la même admission, et toutes les admissions qu'il m'a faites relativement aux offenses desquelles il était accusé, l'ont été spontanément et volontairement de sa part, et sans aucune promesse ni aucune menace de ma part pour les obtenir.

Pendant l'instruction de son procès pour extradition à New York, le dit Ernest Sureau Lamirande s'est évadé. Il a depuis été arrêté dans la Province du Canada. Je l'ai vu dans la prison commune du district de Montreal. Je l'ai parfaitement reconnu pour être le dit Lamirande, et je n'ai aucun doute sur son identité; il avait même sur lui les mêmes habits qu'il portait le jour qu'il s'est évadé. Le dit Ernest Sureau Lamirande est maintenant prisonnier dans le Bureau de Police de la dite cité de Montreal, où je fais la présente déposition. A New York le dit Lamirande a pris le nom de "Dyhers," venant de Belgique; mais après son arrestation, et lors de ma seconde visite, il a reconnu qu'il était bien Lamirande. J'accompagnais alors M. le Consul-Général Gautier Boileau.

Pourquoi je demande justice, et j'ai signé, lecture faite.

(Signé) MELIN.

Assermenté par devant moi à Montréal, le 6 Août, 1866.

(Signé) W. H. Brehaut, P.M.

La précédente déposition ayant été lue en présence du prisonnier, Ernest Sureau Lamirande, demande lui est faite s'il désire poser des questions au déposant, et il répond qu'il désire poser au témoin les questions suivantes par son Conseil, Mr. Doutre:—

Question. Avec la qualité que vous vous êtes donnée, n'avez-vous pas celle aussi d'espion de la police secrète; c'est-à-dire d'espion payé?

[Mr. Ramsay, de la part de la Couronne, s'objecte à la question. Objection maintenue.]

Q. D'après les lois Françaises n'est-il pas vrai que l'espion payé pour le service de la police secrète, ou en d'autres termes le dénonciateur pécuniairement récompensé par la loi, ne peut pas être témoin dans les cas où il agit dans cette qualité?

[Même objection. Objection maintenue.]

Q. N'est-il pas vrai que par l'Article 322 du Code d'Instruction Criminelle de France, paragraphe 6, les dépositions des dénonciateurs dont la dénonciation est récompensée pécuniairement par la loi, ne peuvent être reçues?

[Même objection. Objection maintenue.]

Q. Par qui avez-vous été employé pour suivre les traces du prisonnier?—*R.* Par le Préfet de Police.

Q. Quel est votre traitement pour les fonctions que vous remplissez actuellement en Amérique, et spécialement en Canada?—*R.* Mon traitement fixe est le même que si j'étais à Paris. J'ai aux Etats-Unis un crédit ouvert chez un banquier. Je dépense ce dont j'ai besoin, et à ma rentrée en France je ferai le compte de mes dépenses à la Préfecture, comme cela se fait toujours.

Q. Quelle différence y aura-t-il dans vos émoluments si vous réussissez ou ne réussissez pas à amener le prisonnier en France ?—*R.* Aucune.

Q. Où le prisonnier se trouvait-il à New York, lorsque vous dites lui avoir fait les visites mentionnées dans votre examen en chef?—*R.* A la prison de Ludlow.

Q. Le prisonnier connaissait-il alors en quelle qualité vous vous trouviez à New York ?—*R.* Oui.

Q. Aviez-vous jamais connu le prisonnier avant d'aller à New York à sa recherche ?—*R.* Non.

Q. N'est-il pas vrai que le prisonnier a recusé et recuse actuellement votre témoignage ?

[Objecté de la part de la Couronne. Objection maintenue.]

Q. Y a-t-il actuellement ici quelqu'un muni d'un mandat d'arrêt émanant de quelque Cour ou Tribunal de France ?

[Même objection. Objection maintenue.]

Q. Aviez-vous à New York entre les mains, ou quelqu'autre dans l'intérêt du Gouvernement Français avait-il entre les mains, un mandat d'arrêt ou autre acte judiciaire équivalent émané d'un Juge ou d'une autorité compétente en France ; et si tel est le cas, dites de quelle offense le prisonnier était accusé ?—*R.* J'étais porteur d'une dépêche télégraphique de M. le Procureur Impérial à Poitiers au Préfet de Police à Paris, ce qui équivaut à un mandat d'arrêt. Mais en outre j'étais porteur d'un mandat d'arrêt décerné par M. Jolly, Juge d'Instruction à Poitiers, où Lamirande était inculpé de détournement de fonds au préjudice de la Banque de France. Il n'y avait que cette accusation-là sur le mandat dont j'étais muni. Plus tard il est arrivé un arrêt de renvoi qui inculpait Lamirande de faux.

Q. Que sont devenus ces documents ?—*R.* Ces documents sont restés aux Etats-Unis.

Q. Dans les visites que vous avez faites à Lamirande à New York, lui avez-vous dit que son père et son frère avaient été arrêtés en conséquence des faits qui étaient reprochés à Lamirande et pour lesquelles il était arrêté à New York ?—*R.* Je lui ai dit en effet que j'avais appris que son père et son frère étaient arrêtés.

Q. Qu'y avait-il de vrai dans ce que vous lui disiez relativement à son père et à son frère ?—*R.* On me l'avait dit en quittant la France, mais je ne l'affirmais pas en parlant à Lamirande. J'ai su depuis que le frère seul aurait été arrêté.

Q. Quand avez-vous appris que le père n'avait pas été arrêté?—*R.* Je n'ai jamais appris que le père ne l'avait pas été.

Q. Dites-vous que rien n'a détruit chez vous la croyance que le père avait été arrêté ?—*R.* Rien n'a détruit ma croyance.

Q. D'après ce que vous savez par vos correspondances, avec Poitiers ou aucune autre partie de la France, prétendez-vous dire que rien n'a affecté chez vous l'information dont vous parlez plus haut comme vous ayant été communiquée avant votre départ de France relativement à l'arrestation du père et du frère de Lamirande ?—*R.* Je n'ai jamais appris officiellement l'arrestation non plus que la mise en liberté.

Q. N'avez-vous pas dit plus tard à Lamirande que ni son père ni son frère n'avaient pas été arrêtés ?—*R.* Non.

Q. Avez-vous jamais été muni d'un mandat d'arrêt émané sous l'autorité du Procureur Impérial de Poitiers, ou avez-vous vu tel mandat ?—*R.* Je n'ai pas eu d'autres documents que ceux que j'ai mentionnés plus haut.

Q. Combien de temps avant l'époque que vous dites que Lamirande s'est évadé avez-vous reçu l'arrêt de renvoi ?—*R.* Je ne sais pas.

Q. Quand prétendez-vous que le prisonnier s'est évadé de New York ?—*R.* Je crois que c'est le 3 Juillet.

Q. Quelle connaissance avez-vous de l'instruction qui a précédé l'émanation de de l'arrêt de renvoi ?—*R.* Aucune.

Q. Dans les visites que vous avez faites à Lamirande à New York, lui avez-vous parlé de ce que le Consul ferait pour lui s'il retournait en France ?—*R.* Le Consul-Général, la première fois que nous sommes allés ensemble voir Lamirande, et où il a reconnu être bien Lamirande, lui a dit que s'il retournait volontairement en France il écrirait à ses Juges pour les intéresser à sa position, et il a donné sa parole d'honneur qu'il partirait. Je lui ai moi-même souvent parlé dans le même sens et lui ai donné le conseil de rentrer en France. Je lui disais que s'il rentrait volontairement comme il le promettait, M. le Consul-Général écrirait ce qu'il avait dit, et que moi, dans ma déposition orale à Poitiers, devant la Cour d'Assises, je lui serais agréable. Ces conversations ont eu lieu dix, douze, quinze, ou vingt fois.

Le lendemain ou peut-être le jour même de son arrestation, les conversations du genre que je viens de rapporter ont eu lieu entre Lamirande et moi. A une certaine époque après que la procédure en extradition eut été commencée, j'ai continué de voir Lamirande, et un jour il me dit: Je ne puis plus parler avec vous de mon affaire, parlons d'autres choses; et en effet nous avons parlé d'autres choses. Durant cette procédure, j'ai un jour cessé complétement de le visiter. Je ne le voyais plus qu'à l'audience, où je n'avais aucune conversation avec lui.

Q. Combien de temps avant son évasion avez-vous cessé de le visiter?—*R.* Je ne puis pas dire.

Q. Peut-il s'être écoulé un mois aussi bien que huit jours entre le moment où vous avez cessé de le visiter et celui de son évasion?—*R.* Je ne puis pas dire; il peut y avoir quinze jours, il peut y avoir huit jours. Je ne puis pas préciser.

Q. Quand vous avez cessé de le visiter avait-il jamais été question de l'accuser de faux, et comment?—*R.* Oui; je lui avais dit en prison qu'il était accusé de faux par son bordereau de situation ainsi que l'arrêt de renvoi le disait, et il en est convenu, et il a même cherché à donner une explication à l'interprétation du mot "faux."

Q. Veuillez rapporter aussi exactement que possible ce que Lamirande vous a dit relativement à son bordereau de situation?—*R.* Il n'a pas été question entre nous de son bordereau de situation, je lui ai dit: Vous êtes inculpé de faux en écritures de commerce. Comment comprend-t-on le faux? me dit-il. Je lui dis alors: Par votre bordereau de situation mensonger que vous avez signé le jour de votre départ. Alors il me dit: Ce n'est pas un faux comme la loi le veut. C'est là ce qu'il y a de plus saillant dans la conversation que j'ai eue avec Lamirande.

Q. Lui avez-vous dit en quoi l'on prétendait que son bordereau de situation était mensonger et faux?—*R.* En énonçant dessus qu'il existait dans les caisses de la banque une somme de 700,000 francs qu'il emportait. C'est ainsi que cela m'avait été dit et que je l'ai répété à Lamirande. Je n'ai pas vu son bordereau de situation.

Q. Cette conversation a-t-elle eu lieu avant ou après l'arrivée de l'arrêt de renvoi?—Il en a probablement été question avant, mais il en a certainement été question après. J'avais reçu des lettres qui me l'annonçaient, c'est-à-dire, qu'il était inculpé de faux.

Q. Le Consul-Général de France à New York n'a-t-il pas dit à Lamirande devant vous, qu'il ne pesait contre lui aucune accusation de faux et qu'il ne pouvait être puni que d'emprisonnement?—*R.* Quand j'ai vu Lamirande avec M. le Consul-Général, c'était le lendemain de son arrestation, et il était évident que nous ne connaissions pas qu'il existait une accusation de faux; donc on ne pouvait pas en parler, et je ne me rappelle pas que M. le Consul-Général ait parlé d'emprisonnement.

Q. Savez-vous si dans la manière dont le directeur de Lamirande rend compte des faits reprochés à Lamirande il est question d'accuser ce dernier de faux?—*R.* Je n'ai jamais lu ni entendu lire cette pièce.

Q. D'après ce que vous a dit Lamirande, son bordereau de situation aurait-il été vrai et exact si Lamirande n'avait pas emporté 700,000 francs?—*R.* Je ne puis pas répondre à cela, mais si les 700,000 francs fussent restés là, il ne se serait pas sauvé et nous ne courrions pas après lui.

Q. D'après ce que Lamirande vous a dit, qu'est-ce que le bordereau de situation aurait dû contenir pour n'être pas mensonger et faux?—*R.* Il n'a pas été question de cela entre nous.

Q. De quelles écritures de commerce parliez-vous à Lamirande quand vous lui disiez qu'il était inculpé de faux?—*R.* Je lui disais qu'on l'inculpait de faux en ce qu'il avait falsifié ses écritures et fait un faux bordereau de situation.

Q. En quoi lui disiez-vous qu'il avait falsifié ses écritures?—*R.* Je lui disais simplement qu'il avait falsifié ses écritures, sans lui dire en quoi il les avait falsifiées, parce que je n'avais pas reçu d'autres informations.

Q. Qu'est-ce que Lamirande disait à cela?—*R.* J'aurais bien de la peine à le dire, je ne me le rappelle pas.

Q. Lamirande a-t-il jamais reconnu devant vous autre chose que ce qui suit: Que la somme de 700,000 francs qu'il avait enlevée était portée dans son bordereau comme étant dans la caisse de la banque, et qu'elle ne se trouvait pas là vu qu'il l'avait enlevée?—*R.* Quand je lui ai dit qu'il était inculpé de faux, il en est convenu.

Q. Qu'est-ce qu'il a reconnu ?—*R.* Quand je lui ai dit qu'il était inculpé de faux par son bordereau de situation il a répondu : Je le sais bien.

Q. En quoi son bordereau de situation l'inculpait-il de faux, d'après ce que vous lui disiez ?—*R.* Je l'ignore ; je ne connaissais qu'une chose, son inculpation, et je lui en ai donné connaissance.

Q. D'après les informations que vous aviez reçues et que vous communiquiez à Lamirande, était-il question d'autres choses que de soustraction de la somme de 700,000 francs dont vous avez parlé ?—*R.* Oui, il était question de l'accusation de faux.

Q. Cette accusation de faux avait-elle rapport à cette somme d'argent ?—*R.* C'est un crime à part.

Q. La somme d'argent en question a-t-elle quelque rapport plus ou moins direct avec cette somme d'argent ?—*R.* Pour moi l'une découle de l'autre.

Q. D'après les informations qui vous ont guidé dans toute cette affaire, le bordereau de situation fourni par Lamirande lors de son départ serait-il faux si la somme de 700,000 francs était réintégrée dans les caisses de la Banque de Poitiers ?

[Objecté à cette question de la part de la Couronne. Objection renvoyée.]

R. Quand l'argent serait réintégré dans la caisse le faux existerait la même chose.

Q. Alors en quoi consistait le faux ?—*R.* Pour moi, et d'après les renseignements que j'avais reçus, c'est de faire figurer sur son bordereau de situation qu'il a signé et qui est une pièce officielle, une somme comme existant dans la caisse et dans les serres et n'y existant pas.

Q. Est-ce là ce que Lamirande a reconnu devant vous, ou est-ce autre chose ?—*R.* Pour moi, Lamirande a reconnu avoir fait un faux.

Q. S'est-il agi, entre Lamirande et vous, lorsque vous parliez de faux, d'autre chose que de faire figurer sur son bordereau de situation une somme comme existant dans la caisse et dans les serres, et qui n'y existait pas ?—*R.* Oui, nous avons causé des registres aussi.

Q. Que s'est-il dit à propos des registres ?—*R.* Je lui ai dit qu'on l'inculpait de falsification d'écritures en outre du bordereau de situation.

Q. De quelles écritures s'agissait-il ?—*R.* On ne m'a jamais donné de détails. Je ne connaissais que l'inculpation.

Q. Que s'est-il dit entre Lamirande et vous relativement à ces écritures ?—*R.* Je dirai toujours la même chose. Nous ne parlions que de l'inculpation. Je ne pouvais pas lui donner de détails. Je n'en connaissais pas. Il le reconnaissait.

De consentement cette cause est continuée à demain à onze heures du matin pour plus ample transquestion du témoin par le prisonnier.

Montreal, le 6 Août, 1866.

(Signé) W. H. BREHAUT, P. M.

Avenant ce jourd'hui le 7me jour d'Août dans l'année de Notre Seigneur 1866, le déposant susnommé et désigné comparait de nouveau devant le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police dans et pour le District de Montréal, et étant ré-assermenté en présence du prisonnier, Ernest Sureau Lamirande, la transquestion du dit déposant est continuée comme suit :—

Q. Quand vous avez parlé de falsification d'écritures à Lamirande, s'agissait-il d'écritures concernant la somme d'argent qui manquait dans la caisse de la banque après son départ ?—*R.* C'est mon avis qu'il s'agissait de cela.

Q. D'après les informations que vous communiquiez à Lamirande après les avoir reçues vous-même, reprochait-on au registre tenu par Lamirande la même irrégularité que l'on reprochait à son bordereau de situation, ou quelque chose de différent ?—*R.* J'ai déjà dit que je n'avais point eu de détails sur la manière dont procédait Lamirande, que seulement j'avais été informé de falsification d'écritures et de faux en écritures de commerce par son bordereau de situation.

Q. Avez-vous jamais dit à Lamirande qu'on lui reprochait des altérations d'écritures ou de chiffres soit dans les registres soit dans son bordereau de situation ?—*R.* Pour moi, altération ou falsification signifie la même chose. J'ai pu me servir des deux mots dans mes conversations avec lui.

Q. Veuillez préciser ce que Lamirande a reconnu devant vous et dans quels

termes il l'a fait?—*R.* Quand j'ai dit à Lamirande qu'il était inculpé en outre de détournement, de faux en écritures de commerce, il m'a répondu: C'est vrai, je e sais bien.

Q. A quoi s'appliquaient les paroles de Lamirande, "C'est vrai, je le sais bien?"—*R.* Pour moi, je suis moralement convaincu que cette réponse voulait dire, qu'il se reconnaissait coupable du fait.

Q. Rapportez en quels termes Lamirande a discuté avec vous le caractère de l'offense qui pouvait résulter des faits qu'on lui reprochait?—*R.* Lamirande a prétendu que le faux qui lui était reproché n'était pas celui que la loi caractérisait ainsi.

Q. De quels arguments se servait-il pour repousser la qualification de faux comme applicable à ses actes?—*R.* Je ne pense pas que nous ayons discuté. Je ne me rappelle bien que de ceci, c'est que Lamirande a prétendu que le faux duquel il était inculpé n'était pas celui caractérisé par la loi.

Q. Quelle raison donnait-il pour dire que ses actes ne constituaient pas le faux caractérisé par la loi?—*R.* Je crois, mais je ne l'affirme pas, que Lamirande prétendait que le faux était une fausse signature, tandis que la sienne était vraie.

Q. Avez-vous eu, tant à New York qu'à Montréal, des consultations avec ceux qui dirigeaient la poursuite sur le caractère à donner à l'accusation que l'on entendait porter contre Lamirande?—*R.* A New York, oui; mais à Montréal, non. Mais à New York la question de faux on n'en a jamais parlé, parce que le fait de détournement rentrait dans le Traité, bien que l'arrêt de renvoi qui a été remis entre les mains de M. le Juge Commissaire Betts porte cette inculpation.

Q. Avez-vous eu à Montreal des conversations dans lesquelles on vous a expliqué pourquoi l'inculpation n'était pas la même ici qu'à New York?—*R.* Il était inutile qu'on me l'explique. Je la connaissais à Londres, en Angleterre, où je suis allé souvent pour des extraditions; je connaissais le Traité qui existait entre la France et cette Puissance et ses Colonies. Il a été question de toute l'affaire de Lamirande entre les avocats de la poursuite et moi; nous avons lu le Traité qui existe entre l'Angleterre et la France, et je n'avais pas besoin qu'on me l'explique, je le connaissais bien d'avance.

Q. A-t-il été question entre vous des moyens à prendre pour donner aux faits la couleur d'un faux?—*R.* Non.

Q. Les avocats de la poursuite ne vous ont-ils pas dit qu'il n'y avait aucun moyen dans ce pays de baser une accusation de faux sur les faits que l'on reprochait à Lamirande?—*R.* Avant de voir les avocats de Montreal, j'étais allé à Québec, où sans le conseil de personne j'ai fait un affidavit inculpant Lamirande de faux; par conséquent je savais ce qu'il y avait à faire avant de voir les avocats de Montréal. Les avocats de la poursuite à Montréal ne m'ont pas dit qu'il n'y avait aucun moyen dans ce pays de baser une accusation de faux sur les faits que l'on reprochait à Lamirande.

Q. Pourquoi l'accusation de faux n'a-t-elle pas eu de suite à New York, lorsque l'arrêt de renvoi la contenait?—*R.* Probablement parce que l'inculpation de détournement de fonds suffisait.

Q. L'accusation de faux n'a-t-elle pas été abandonnée à New York sur l'avis des hommes de loi qui la déclaraient incompatible avec les faits, et cela n'a-t-il pas été constaté par le Commissaire Betts?—*R.* Je n'ai jamais entendu parler de cela.

Q. Veuillez donner la substance de ce que vous avez déclaré dans l'affidavit que vous dites avoir donné à Quebec?—*R.* Dans l'affidavit j'ai dit que Lamirande fugitif de la justice Française et de la justice Américaine devait, d'après les renseignements que je possédais, s'être réfugié sur le territoire Canadien; qu'en France il était inculpé de détournement de fonds d'une somme de 700,000 francs au préjudice de la Banque de France à Poitiers; que de plus il était inculpé de falsification d'écritures et de faux en écritures de commerce par son bordereau de situation.

Q. Si la somme de 500,000 francs eut été enlevée de la Banque de Poitiers par un autre que Lamirande, existait-il quelque chose pour vous justifier de dire que son bordereau de situation était faux?—*R.* Il existait ceci, l'arrêt de renvoi qui l'inculpait.

Q. Existait-il quelque chose dans la conduite de Lamirande qui eût mis en doute la vérité de son bordereau de situation, si la somme d'argent eut été prise par un autre?—*R.* Je l'ignore.

Q. D'après ce que vous connaissez du Traité entre la France et l'Angleterre,

pouvez-vous dire quelle durée doit avoir ce Traité et comment on peut y mettre fin? —*R.* Par suite de circonstances que je ne connais pas le Gouvernement de l'Empereur des Français a dénoncé au Gouvernement Anglais que le Traité devait prendre fin le 1er Juin, 1866, mais le Gouvernement Anglais a demandé à ce qu'il soit continué jusqu'à ce qu'un nouveau Traité soit fait.

Q. D'après la loi Française quel est le crime le plus grave, du détournement de fonds ou du faux, et quel est celui qui entraîne la peine la plus sévère?—*R.* Le faux, évidemment.

Q. D'après les conversations que vous avez eues avec Lamirande, qu'est-ce qu'il reconnaissait être faux; était-ce son bordereau de situation ou la caisse?—*R.* Je crois qu'il reconnaît faux la falsification des écritures et aussi son bordereau de situation.

[Le prisonnier déclare par son Conseil, M. Doutre, n'avoir pas d'autres questions à poser au témoin.

M. Pominville, pour la poursuite, pose au témoin la question suivante en ré-examen.]

Q. Dans les transquestions qui vous ont été posées de la part du prisonnier vous avez parlé d'une conversation que le Consul-Général avait eue avec le prisonnier et qu'il lui aurait dit, "que s'il retournait volontairement en France, il écrirait à ses Juges pour les intéresser à sa position, et il a donné sa parole d'honneur qu'il partirait;" veuillez dire à la suite de quelle conversation entre le Consul-Général et le prisonnier le Consul-Général a ainsi parlé.—*R.* Quand nous sommes arrivés moi et M. le Consul-Général et M. Beranger, Vice-Consul, à la prison de Ludlow, on nous fit entrer dans une petite pièce; l'individu a été amené près de nous; M. le Consul-Général lui a dit: Est-ce vous qui êtes Lamirande? Oui, Monsieur. Vous étiez caissier à Poitiers? Oui, Monsieur; et je connais ma position, mon intention n'est pas de résister aux lois de mon pays. Alors M. le Consul-Général lui a dit: Ce n'est pas une visite officielle que je vous fais, elle est toute de bienveillance et comme Consul-Général. Je dois m'intéresser à tous mes nationaux, et puis que vous ne voulez pas résister, écrivez-moi un mot par lequel vous vous mettrez à ma disposition; alors j'écrirai à vos Juges pour les intéresser à votre position, car d'après ce que m'a dit M. Melin, votre famille est honorée et honorable.

La poursuite déclare n'avoir pas d'autres questions à poser en ré-examen et cet examen est conséquemment clos. Et le dit déposant a signé.

(Signé) MELIN.

Prise et reconnue devant moi, à Montreal, le 7 Août, 1866.

(Signé) W. H. Brehaut, P.M.

Bureau de Police.

Province du Canada, District de Montreal.

La déposition de Louis Léonce Coudert, Ecuyer, Avocat de la ville de New York, dans l'Etat de New York, un des Etats-Unis d'Amérique, actuellement dans la cité de Montréal, dans le district de Montréal, prise sous serment ce 7me jour d'Août, dans l'année de Notre Seigneur 1866, au Bureau de Police dans le Palais de Justice, dans la cité de Montréal, dans le district de Montréal susdit, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police dans et pour le district de Montréal, en présence d'Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, qui est maintenant accusé devant moi, sur plainte portée devant moi, sous serment, en vertu des dispositions de la Convention entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande et Sa Majesté le Roi des Français, et des statuts faits et pourvus à cet effet, d'avoir commis à Poitiers, dans l'Empire Français, le crime suivant mentionné dans et prévu par la dite Convention entre Sa Majesté la Reine et le dit Roi des Français, savoir:—

D'avoir le dit Ernest Sureau Lamirande commis le crime de faux, en ayant, en sa qualité de caissier de la succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite Banque et par ce moyen fraudé la dite banque de la somme de 700,000 francs.

Le déposant Louis Léonce Coudert dépose et dit comme suit:—

Je connais le prisonnier depuis plusieurs mois. Je l'ai fait arrêter d'abord comme Sureau Lamirande, quoiqu'il se fût fait passer d'abord sous le nom de

Thiebault, ensuite sous le nom de Dyhers. Je l'ai attaqué en extradition et l'ai fait comparaître devant le Commissaire Betts, en vertu d'un mandat émané du Président des Etats-Unis à la réquisition du Gouvernement Français. Le jour de sa comparution devant Mr. Betts, en réponse aux questions préliminaires il déclara, ou plutôt son avocat déclara pour lui et en sa présence, que son nom était Sureau Lamirande, âgé, je crois, de 41 ou 42 ans, mais je ne suis pas exactement sûr de l'âge. Je l'attaquais aussi civilement sous le nom de Sureau Lamirande. Son prénom était Ernest, et il y en avait peut-être d'autres. L'objet de la poursuite civile était de recouvrer la somme détournée au montant de 200,000 dollars. Il fut assigné personnellement sous le nom de Sureau Lamirande, et sur cette assignation il comparût par avocat, mit une défense, le tout étant devant une Cour de Juridiction compétente, et dans cette cause il fut condamné contradictoirement en 200,000 dollars comme étant bien Sureau Lamirande. Je le vis aussi personnellement plusieurs fois, la première fois le 9 Avril, 1866, jour où il fut arrêté; d'abord au Metropolitan Hotel, mais là je ne lui ai pas parlé, et ensuite dans le Ludlow-street Gaol de la ville de New York, lorsqu'il me reconnut maintes fois son identité. Il m'a promis bien souvent de rentrer volontairement en France, m'a prié de ne pas entamer de poursuite en extradition contre lui en me disant: "La Banque a bien assez perdu par moi, sans que je lui fasse perdre autre chose." La première fois que je lui ai parlé, c'était le jour de son arrestation. Je l'avais tracé personnellement moi-même, de Portland à New York; d'abord il me dit qu'il ne savait pas ce dont je parlais, et en lui parlant de l'affaire je lui mentionnai ce que m'avait dit le Consul-Général ou M. Melin, que son père était arrêté. Il me dit que ce n'était pas vrai, que ça ne pouvait pas être, qu'il était resté à New York plus longtemps qu'il ne le pensait, dans l'espoir de voir des journaux de France, et d'y trouver les détails de l'affaire et savoir si l'on trouverait sa famille. Cela parut lui faire beaucoup de peine; il pleura même, et enfin se reconnut comme étant réellement la personne que je cherchais, c'est-à-dire, Sureau Lamirande, caissier de la Banque de France à Poitiers. Je lui dis aussi que j'avais trouvé à Quebec un M. Valin, auquel il avait remis 6,000 francs de l'argent volé, et que ce M. Valin était excessivement chagriné de se trouver en possession de ces fonds-là. Il me dit que M. Valin n'en connaissait pas l'origine et que lui seul était coupable. Je dois ajouter que je fis saisir aussi à New York, dans le procès civil et en vertu du jugement contre lui, en faveur de la Banque de France, environ 135,000 francs, je crois que c'est la somme exacte. Je l'ai vu en outre bien souvent, quand il venait au tribunal; son identité n'a jamais été mise en question, il a reconnu au moins cent fois qu'il était la personne inculpée dans l'affaire de la Banque de Poitiers. L'investigation pour l'extradition du prisonnier a duré à peu près trois mois et il comparaissait devant le tribunal quelquefois une fois, quelquefois deux fois, et même trois fois par semaine. C'est notre bureau, c'est-à-dire, mes frères et moi comme Coudert frères; qui poursuivions devant le tribunal en vertu des ordres émanés du Consul-Général de France à New York. Outre cela, j'ai une procuration spéciale de la Banque de France en mon nom. Le prisonnier était assisté de plusieurs avocats à New York. Nous reçûmes dans le procès civil, dans lequel il était défendu par des avocats de New York, deux copies de pièces que nous ont fait remettre, en défendant la cause, les avocats du prisonnier; ces copies étaient signées "Lamirande." Je jure que le prisonnier maintenant devant moi est le nommé Sureau Lamirande que j'ai poursuivi à New York, et qui a répondu à l'investigation qui a été faite à New York pour son extradition. Depuis que je l'ai vu à New York, il s'est coupé la moustache et une partie de la barbe, mais s'il veut ouvrir la bouche on trouvera qu'il a une dent de manque du côté gauche, mâchoire supérieure, cette dent est cariée et en partie cassée. Il a disparu de New York et je l'ai revu ici à Montréal. Il était, lorsqu'il s'est évadé de New York, sous la charge du Marshal des Etats-Unis, mais il était sous la charge immédiate du Député Marshal Greene. A la suite de l'évasion du prisonnier nous avons, c'est-à-dire, la maison Coudert frères a fait imprimer un certain nombre de proclamations, dont l'une est maintenant produite et marquée de la lettre A. L'extradition du prisonnier a été demandée, à New York, sur une première pièce qui ne parlait, je crois, que de détournement de fonds; cette pièce a été envoyée avant que l'instruction en France fut terminée. Lorsque l'instruction fut terminée, on nous envoya des dépositions et un arrêt de renvoi, lequel l'inculpait de détournement et de faux. A l'époque où ces derniers documents nous ont été transmis, l'instruction pour l'extradition du prisonnier pour détournement de déniers était commencée. Sous le Traité avec les Etats-Unis nous pouvions aussi

bien l'extrader pour détournement que pour faux, et il était parfaitement inutile de rien changer à la procédure commencée pour détournement.

Et le dit déposant ne dit rien de plus et a signé, lecture faite.

(Signé) LOUIS LEONCE COUDERT.

Assermenté par-devant moi, à Montréal, le 7 Avril, 1866.

(Signé) W. H. Brehaut, P.M.

La précédente déposition ayant été faite et lue, en présence du prisonnier Ernest Sureau Lamirande, demande lui est faite s'il désire poser des questions au témoin, et il répond qu'il désire lui poser les questions suivantes par son Conseil Mr. Doutre.

Question. Est-ce sur vos instructions et sous votre direction que l'arrestation du prisonnier a été effectuée en Canada?

[Mr. Ramsay s'objecte à la question de la part de la Couronne en autant qu'elle n'a aucun rapport à l'examen préliminaire, l'arrestation du prisonnier ayant été ordonnée par le warrant de son Excellence le Gouverneur-Général. Objection maintenue.]

Q. Combien de temps s'est-il écoulé entre le commencement des procédures en extradition à New York et l'époque où l'arrêt de renvoi dont vous avez parlé est arrivé de France?—*R.* Je ne pourrais vous le dire. Je ne m'en souviens pas. L'affaire a traîné longtemps après le commencement formel des procédés en extradition, parce que Lamirande priait de ne pas la pousser, disant qu'il rentrerait volontairement en France. L'arrêt de renvoi nous est arrivé de deux à quatre semaines avant l'évasion du prisonnier.

Q. L'addition du faux au détournement de fonds dans l'arrêt de renvoi a-t-elle été faite à la suite de suggestions de votre part, ou de ceux avec qui vous agissiez à New York auprès des autorités Françaises?—*R.* Aucunement.

Q. Avez-vous participé à Montreal dans des consultations sur la manière de requérir l'extradition du prisonnier en Canada?

[Objecté de la part de la Couronne. Objection maintenue.]

Q. En quoi consistaient les différentes pièces qui ont été reçues de France à New York, à propos de l'extradition du prisonnier?—*R.* Autant que je m'en souviens, il y avait un mandat d'arrêt, des dépositions, un arrêt de renvoi comme documents.

Q. Que sont devenues toutes ces pièces?—*R.* Je crois qu'elles ont toutes été déposées entre les mains de M. Betts, le Commissaire, devant qui se faisaient les procédés en extradition. La première pièce est le mandat d'amener (je crois que jusqu'à présent nous l'avons appelé mandat d'arrêt), c'est là la pièce où le prisonnier était inculpé de détournement de fonds, ensuite se fait l'enquête ou l'instruction; comme ces dépositions prises dans l'instruction prouvaient un détournement de fonds et un faux, la pièce qui est fondée là-dessus, c'est-à-dire, l'arrêt de renvoi, l'accuse des deux crimes commis. Je crois que nous avons reçu ces pièces dans l'ordre suivant: d'abord le mandat d'amener, ensuite les dépositions, et après l'arrêt de renvoi. L'arrêt de renvoi correspond à peu près à l'indictment dans ce pays.

Q. Y avait-il au nombre de ces dépositions celle du directeur ou principal officier de la Succursale de la Banque de France à Poitiers, M. Adolphe Bailly?—*R.* Personnellement je n'avais pas la charge de la poursuite de M. Lamirande. Je crois cependant qu'il y avait une déposition faite par un nommé Bailly, mais je ne sais pas quelle était sa qualité officielle.

Q. Pouvez-vous dire pourquoi le prisonnier n'est accusé que de faux ici?—*R.* Parce que c'était tout ce qu'il fallait pour l'extrader.

Q. L'identité du prisonnier avec le nommé Ernest Sureau Lamirande, accusé de détournement de fonds ou de faux au préjudice de la Banque de France, Succursale de Poitiers, a-t-elle jamais été affirmée par des personnes qui l'eussent connu en France autre que lui-même?—*R.* Non; nous jugions qu'il devait se connaître lui-même, et que le signalement que nous avions reçu de France correspondait parfaitement avec lui.

Q. Ce signalement était-il photographié ou descriptif?—*R.* Tous deux.

Le prisonnier déclarant n'avoir plus d'autres questions à poser au témoin, cet examen est clos et le déposant a signé.

(Signé) LOUIS LEONCE COUDERT.

Pris et reconnu devant moi, à Montréal, ce 7 Août, 1866.

(Signé) W. H. Brehaut, P.M.

Bureau de Police.

Province du Canada, District de Montreal.

La déposition d'Edme Justin Melin, Inspecteur Principal de Police, de la Ville de Paris, dans l'Empire Français, actuellement dans la Cité de Montreal, dans le district de Montreal, prise sous serment ce 14me jour d'Août, dans l'année de Notre Seigneur 1866, au Bureau de Police, dans le Palais de Justice, dans la Cité de Montréal, dans le district de Montréal susdit, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police, dans et pour le district de Montréal, en présence d'Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, qui est maintenant accusé devant moi sur plainte portée devant moi sous serment, en vertu des dispositions de la Convention entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, et des statuts faits et pourvus à cet effet, d'avoir commis à Poitiers, dans l'Empire Français, le crime suivant mentionné dans et prévu par la dite Convention entre Sa Majesté la Reine et le dit Roi des Français, savoir :—

D'avoir le dit Ernest Sureau Lamirande commis le crime de faux en ayant, en sa qualité de caissier de la succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite banque, et par ce moyen fraudé la dite banque de la somme de 700,000 francs.

Le déposant Edme Justin Melin dépose et dit comme suit :—

Je produis la déposition de Henri Marie du Bois de Jansigny, Inspecteur de la Banque de France, demeurant à Paris, dans l'Empire Français, prise au Tribunal de Poitiers, Cabinet du Juge d'Instruction, le 2 Avril, 1866. Cette déposition est marquée de la lettre C. Je connais la signature de M. Dubois, Chef du Bureau de la Chancellerie, celle de M. Baroche, Ministre de la Justice en France, celle de M. Drouyn de Lhuys, Ministre des Affaires Etrangères en France. Les signatures apposées au document produit comme susdit sont bien celles des dits Dubois, Baroche et Drouyn de Lhuys. Je suis familier avec la signature de M. Dubois pour l'avoir vu signer bien souvent devant moi ; je jure que la signature apposée sur le document est la sienne. Quant aux autres je ne les ai jamais vu signer, mais j'ai souvent eu dans mes mains des documents et pièces officielles signés par eux.

Et le dit déposant ne dit rien de plus et a signé, lecture faite.

(Signé) MELIN.

Assermenté par-devant moi, à Montréal, ce 14 Août, 1866.

(Signé) W. H. Brehaut, P.M.

La déposition précédente ayant été faite et lue en présence du prisonnier Ernest Sureau Lamirande, demande lui est faite s'il a des questions à poser au témoin, et il répond par son Conseil M. Doutre, qu'il n'en a pas.

Montreal, le 14 Août, 1866.

(Signé) W. H. Brehaut, P.M.

Bureau de Police.

Province du Canada, District de Montreal.

La déposition d'Abel Frédéric Gautier, Consul-Général de France, pour les Provinces Britanniques de l'Amérique au Nord, demeurant à la Cité de Québec, dans le district de Québec, prise sous serment ce 14 Août, dans l'année de Notre Seigneur 1866, au Bureau de Police, dans le Palais de Justice, dans la Cité de Montréal, dans le district de Montréal susdit, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police, dans et pour le district de Montréal, en présence d'Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, qui est maintenant accusé devant moi, sur plainte portée devant moi sous serment, en vertu des dispositions de la Convention entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande et Sa Majesté le Roi des Français, et des statuts faits et pourvus à cet effet, d'avoir commis à Poitiers, dans l'Empire Français, le crime suivant mentionné dans et prévu par la dite Convention entre Sa Majesté la Reine et le dit Roi des Français, savoir :—

D'avoir le dit Ernest Sureau Lamirande commis le crime de faux, en ayant, en sa qualité de caissier de la succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite banque et par ce moyen fraudé la dite banque de la somme de 700,000 francs.

Le déposant Abel Frédéric Gautier dépose et dit comme suit :—

Je suis le seul Agent du Gouvernement Français dans les cinq Provinces Britanniques de l'Amérique du Nord. Ayant pris communication de la pièce marquée C, je déclare que la signature Drouyn de Lhuys est bien celle du Ministre des Affaires Etrangères de France, Chef du Département dont je dépends. Les documents judiciaires généralement ne sont pas signés par le Ministre lui-même. C'est par exception et pour lui donner plus d'importance que le Ministre des Affaires Etrangères a signé cette pièce. Quant à la signature de M. Dubois, elle m'est également parfaitement connue, et nous avons, tous les Agents du Département des Affaires Etrangères, pour instruction de la légaliser. Je connais la signature de M. Bigelow, Ministre des Etats-Unis en France. Je produis maintenant une pièce marquée de la lettre D, au bas de laquelle se trouve apposée la signature de M. Dubois ; je la reconnais parfaitement authentique, et je suis prêt, tant pour la signature de M. Drouyn de Lhuys que pour celle de M. Dubois, de les certifier officiellement et d'y apposer mon sceau. Cela se rapporte aux deux pièces produites.

Et le dit déposant ne dit rien de plus et a signé, la précédente déposition lui ayant été lue.

(Signé) FREDC. GAUTIER.

Assermenté par-devant moi, à Montréal, ce 14 Août, 1866.

(Signé) W. H. Brehaut, P.M.

La déposition précédente ayant été faite et lue en présence du prisonnier, Ernest Sureau Lamirande, demande lui est faite s'il a des questions à poser au témoin, et il répond qu'il désire lui poser les questions suivantes par son Conseil, Mr. Doutre :—

Question. Où et comment se trouvent définies les fonctions que vous remplissez en Canada ?—*Réponse.* Elles sont définies par des centaines de dépêches, d'instructions, de circulaires qui me sont transmises par mon Département.

Q. Quelle différence faites-vous entre les fonctions d'un Consul-Général et celles d'un Agent Diplomatique ?—*R.* Les Agents Diplomatiques sont chargés des relations politiques entre deux pays ; ce sont eux qui concluent et signent les Traités, et, comme je viens de le dire, tout ce qui se rattache aux relations politiques du pays où ils résident, avec la France. Les Consuls-Généraux ne s'occupent point de ces questions. Ils s'occupent seulement de tenir leur Gouvernement au courant des affaires du pays où ils résident, et à prêter l'appui de leur position officielle aux intérêts Français.

Q. D'après cela considérez-vous que vous êtes ici un Agent Diplomatique du Gouvernement Français ?—*R.* Non ; et je n'ai jamais pris ce titre.

Q. Savez-vous sur la demande de qui son Excellence le Gouverneur-Général a émané le warrant qui se trouve entre les mains du Magistrat de Police devant lequel nous procédons en ce moment ?—*R.* Sur la mienne.

Q. L'extradition du prisonnier a-t-elle été demandée à son Excellence le Gouverneur-Général par aucun autre représentant du Gouvernement Français que vous-même ?—*R.* Non pas que je sache.

Q. Comment le warrant de son Excellence est-il parvenu à William H. Brehaut, Ecuyer, Magistrat de Police, devant qui nous procédons ?—*R.* Le warrant m'a été adressé à Québec par le Secrétaire Provincial. Je l'ai reçu le 3 Août, et comme j'avais appris alors l'arrestation du prisonnier, je l'ai apporté moi-même à Montréal, et l'ai remis à M. Pominville pour en faire l'usage qu'il jugerait convenable. Le warrant qui m'est présenté est exactement celui qui m'a été envoyé par le Secrétaire Provincial.

Q. Avez-vous jamais vu signer soit M. Drouyn de Lhuys, Ministre des Affaires Etrangères en France, soit M. Dubois, Chef de Bureau de la Chancellerie, dont il est question dans votre examen en chef, ainsi que M. Bigelow, Ministre des Etats-Unis en France ?—*R.* Non ; mais je puis produire vingt dépêches qui m'ont été adressées personnellement par M. Drouyn de Lhuys ; quant à la signature de M. Dubois, elle m'a été transmise officiellement de manière à pouvoir la légaliser en toute circonstance.

Le prisonnier déclare n'avoir plus d'autres questions à poser au déposant ; en conséquence cet examen est clos, et le déposant a signé lecture faite.

(Signé) FREDC. GAUTIER.

Prise et reconnue par-devant moi, à Montreal, ce 14 Août, 1866.

(Signé) W. H. Brehaut, P.M.

Bureau de Police.

Province du Canada, District de Montreal.

La déposition de Frédéric R. Coudert, Ecuyer, avocat de la ville de New York, dans l'Etat de New York, un des Etats-Unis d'Amérique, actuellement dans la cité de Montréal, dans le district de Montréal, prise sous serment ce 14me jour d'Août, dans l'année de notre Seigneur 1866, au Bureau de Police, dans le Palais de Justice, dans la cité de Montréal, dans le district de Montréal susdit, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police dans et pour le district de Montréal, en présence d'Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, qui est maintenant accusé devant moi sur la plainte portée devant moi, sous serment en vertu des dispositions de la Convention entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande et Sa Majesté le Roi des Français, et des statuts faits et pourvus à cet effet, d'avoir commis à Poitiers, dans l'Empire Français, le crime suivant mentionné dans et prévu par la dite Convention entre Sa Majesté la Reine et le dit Roi des Français, savoir :—

D'avoir le dit Ernest Sureau Lamirande commis le crime de faux, en ayant, en sa qualité de caissier de la Succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite banque, et par ce moyen fraudé la dite banque de la somme de 700,000 francs.

Le déposant, Frédéric R. Coudert, dépose et dit comme suit :—

Je suis avocat, pratiquant à New York depuis 1852. J'ai été employé comme Conseil dans la poursuite contre le prisonnier Lamirande à New York. Le prisonnier, M. Lamirande, a été arrêté et traduit devant le tribunal de M. le Commissaire Betts. Nous avons eu de nombreuses séances dans lesquelles ma raison sociale de Coudert Frères, représentait le Gouvernement Français, et plusieurs avocats, entre autres Mr. Spilthorne, ici présent, représentaient le prisonnier Lamirande. Ces séances ont duré jusqu'au 3 Juillet dernier. A cette séance, ou à la précédente, je ne puis affirmer laquelle, Mr. Spilthorne demanda la permission au Commissaire d'emporter avec lui une pièce écrite en Français, venant de France, et que nous appelons l'arrêt de renvoi. Cette pièce avait été prouvée par nous comme pièce authentique, et admise comme telle par le Juge Commissaire. Nous avions également prouvé une traduction en langue Anglaise faite dans mon bureau, et dont je puis certifier l'exactitude. Cette traduction avait été également reçue par le Juge, et marquée de ses initiales; elle est maintenant entre mes mains. Lorsque Mr. Spilthorne demanda la permission d'emporter ce document, il dit qu'il le rapporterait à la prochaine séance. Je ne fis aucune objection à ce que la demande de Mr. Spilthorne fût accordée. Mais mon frère, qui était associé avec moi dans la poursuite, me fit observer qu'il ne confierait pas un document de cette valeur à Mr. Spilthorne, que probablement je ne le reverrais (ce document) jamais. Depuis ce jour je n'ai jamais revu cette pièce, quoique je l'aie cherchée parmi tous les papiers de Mr. Betts, ne la trouvant pas. Je me rendis chez M. Spilthorne; je lui rappelai le fait qu'il avait emporté ce document; il reconnut l'avoir pris. Mais il dit qu'il ne savait pas s'il l'avait rendu ou non, qu'il faudrait pour qu'il s'en assurât qu'il cherchât parmi ses papiers; que ses papiers étaient à son domicile, et il me jurait, que s'il pouvait trouver le papier en question, je l'aurais à mon bureau le lendemain, Mercredi, à 9 heures. Je dis à Mr. Spilthorne que le cas était urgent; qu'il me rendrait un service personnel s'il voulait aller chez lui immédiatement, que je payerais une voiture afin qu'il perdît moins de temps. Mais je ne pus obtenir de lui qu'il le fît. Le lendemain, vers 10 heures, n'ayant reçu aucune communication de Mr. Spilthorne, je lui envoyai un de mes commis, avec une lettre, lui demandant l'arrêt de renvoi; il ne m'a pas répondu, et je n'ai jamais revu le papier. Je n'ai pas connaissance qu'il y ait une copie Française de ce document, et je ne crois pas qu'il y en ait.

Q. Avez-vous en votre possession la traduction Anglaise de l'arrêt de renvoi qui a servi devant le Commissaire Betts à New York?—*R.* Oui, Monsieur, j'ai ce document; le voici.

Mr. Ramsay, représentant la Couronne, fait motion que ce document soit filé et reçu par la Cour.

M. Doutre, Conseil du prisonnier, s'objecte à la motion et à la production de ce document, vu qu'il ne possède aucun des caractères voulus par le Statut 6 et 7 Vict., c. 75, s. 3.

La Cour renvoie l'objection et le document est filé et marqué de la lettre B.

Le déposant continue comme suit :—

La traduction est une traduction comparée par moi-même avec le papier prouvé en témoignage devant Mr. Betts, laquelle traduction a été soumise à l'autre côté et à laquelle je n'ai jamais entendu d'objection.

Le déposant ne dit rien de plus et après lecture faite il déclare que cette déposition contient la vérité, y persiste et a signé.

(Signé) F. R. COUDERT.

Assermenté par-devant moi, à Montreal, ce 12 Août, 1866.

(Signé) W. H. Brehaut, P.M.

La déposition précédente ayant été faite et lue en présence du prisonnier Ernest Sureau Lamirande, demande lui est faite s'il a des questions à poser au témoin et il répond qu'il désire poser au déposant les questions suivantes par son Conseil, M. Doutre.

Question. Est-ce sur l'arrêt de renvoi dont vous avez parlé que le prisonnier a été arrêté aux Etats Unis?—*Réponse.* Non.

Q. Comment et pourquoi cet arrêt de renvoi se trouvait-il dans la procédure instituée à New York?—*R.* Comme preuve à l'appui, offerte de la part de la poursuite.

Q. Pour quel crime le prisonnier était-il arrêté aux Etats-Unis?—*R.* Pour ce que nous appelons le crime d'embezzlement.

Q. Quand le prisonnier a été arrêté, ceux qui le faisaient arrêter étaient-ils munis d'un mandat d'arrêt émané de France?—*R.* Je crois que oui, ou alors ou peu de temps après nous en avons été muni ; nous ne nous en sommes pas servi pour le faire arrêter.

Q. Qu'est devenu le mandat d'arrêt en vertu duquel le prisonnier a été détenu à New York en vue de son extradition, et pourquoi ce document n'est-il pas entre les mains de ceux qui poursuivent ici l'extradition du prisonnier?—*R.* Le seul mandat d'arrêt sous lequel le prisonnier ait été arrêté c'est le mandat de Mr. Betts, qui se trouve naturellement dans son bureau, je présume. Si vous voulez parler du mandat d'arrêt, signé par Mr. Jolly, Juge d'Instruction, immédiatement après la fuite de M. Lamirande, et avant qu'il ne fut mis en accusation, je crois que ce document est entre les mains de MM. Pominville et Betournay.

Q. De quel crime le prisonnier est-il accusé dans le mandat d'arrêt émané de France et qui se trouve entre les mains de MM. Pominville et Betournay ?

[Objecté par M. Betournay, pour la poursuite. Objection maintenue.]

Q. Le Commissaire Betts a-t-il tenu aucune séance sur l'accusation portée à New York contre le prisonnier après que l'arrêt de renvoi que vous dites être disparu, eut été confié à Mr. Spilthorne?—*R.* Je ne crois pas. Comme je vous ai déjà dit, ce document lui a été confié à la dernière ou l'avant-dernière séance, mon impression est que c'est la dernière ; dans ce cas-là il n'y a pas eu d'autre séance.

Q. Quel est le dépositaire ou gardien légal des papiers dont cette pièce a fait partie?—*R.* M. le Commissaire Betts.

Q. Est-il à votre connaissance si M. le Commissaire Betts a jamais requis M. Spilthorne de remettre cette pièce au dossier?—*R.* Non, il est pas à ma connaissance, mais j'ai autorité de M. Betts de prendre les dépositions dans la cause. C'est une autorité écrite ; je l'ai reçue par télégraphe et elle a été envoyée par lettre à M. Osborn, un de ses collègues qui me l'a communiquée en la retirant de son sac à paperasses (waste-paper basket), et qui l'a rejetée là après me l'avoir communiquée. J'ai reçu aussi un télégramme au même effet. M. Osborn m'avait déjà laissé examiner les papiers pour prendre ceux que je voulais, et M. Betts lui-même avait permis à mon commis, quelques jours avant, de prendre les pièces que je voulais.

Q. La disparution de cet arrêt de renvoi a-t-elle donné lieu à quelque procédure de votre part?—*R.* Oui, Monsieur, j'ai consulté le District Attorney ; il m'a dit que je devrais faire une plainte, c'était Vendredi dernier. Voulant éviter de faire une plainte contre un confrère, j'envoyai un commis chez M. Spilthorne, vers trois heures, heure à laquelle on m'avait dit qu'il y serait ; il n'y était pas et j'appris pour la première fois qu'il devait partir pour le Canada. Je me rendis chez le Commissaire Osborn, je signai un affidavit ; il signa son warrant pour l'arrestation de

M. Spilthorne, le remit entre les mains du Marshal, mais le Marshal ne put pas le trouver.

Q. Voulez-vous nous donner la substance de l'affidavit?—*R.* Les faits tels que je vous les ai donnés, avec cette addition que dans mon opinion M. Spilthorne gardait ce papier pour le voler ou le détruire, afin qu'on n'en eût pas le bénéfice au Canada. C'est là aussi près que possible ce que j'ai déposé.

Q. Quelle est la désignation de l'offense pour laquelle M. Osborn a émis son warrant contre M. Spilthorne?—*R.* Je refuse de répondre à la question, ne sachant pas si je pourrais donner la désignation exacte que lui donnerait le Procureur.

[La Cour permet au témoin de ne pas faire d'autre réponse.]

Q. Dans quel but M. Spilthorne avait-il demandé à emporter cette pièce avec lui?—*R.* Naturellement je ne saurais affirmer positivement quel était son but, il a allégué qu'il voulait la comparer avec ma traduction.

Q. Depuis combien de temps cette traduction était-elle alors faite?—*R.* Je ne saurais vous le dire, peut-être huit jours peut-être quinze jours.

Q. Le document que vous avez produit est-il matériellement le même que celui que M. Spilthorne voulait comparer avec l'arrêt de renvoi?—*R.* Je ne pourrais vous le dire positivement.

Q. L'arrêt de renvoi que vous dites être resté entre les mains de M. Spilthorne, était-il un document original ou une copie?—*R.* Le document remis à M. Spilthorne était une copie certifiée de telle façon à servir comme original devant les tribunaux de France d'après les témoins.

Q. Avez-vous montré à M. Spilthorne aucune autorisation écrite de la part de M. le Commissaire Betts, à vous donnée, de prendre possession du dit arrêt de renvoi?—*R.* M. Spilthorne m'ayant juré qu'il me le rendrait à moi et ne m'ayant pas parlé d'autorisation de M. Betts, je ne lui en parlai pas non plus.

Q. Le tribunal présidé par M. Betts est-il une Cour de Record?—*R.* Pour certains objets il est assimilé à une Cour de Record; par exemple, pour le détournement d'un papier, par la loi du Congrès, cependant il n'a pas techniquement de Clerk ou Greffier.

Q. Etes-vous l'un de ceux qui avez dirigé la procédure en extradition contre le prisonnier à New York?—*R.* Elle a été entièrement dirigée par mon bureau, mes frères et moi.

Q. L'extradition du prisonnier était-elle poursuivie sur une accusation de faux aux Etats-Unis?

[Objecté par la poursuite. Objection maintenue.]

Q. Que sont devenues les pièces produites aux Etats-Unis et qui accompagnaient le dit arrêt de renvoi?—*R.* Une partie se trouve chez le Commissaire Betts, une partie entre les mains de MM. Pominville et Betournay, et l'arrêt de renvoi je ne sais pas où il est.

Q. Y avait-il au nombre de ces documents des dépositions prises en France et entr'autres celle du Directeur de la Succursale de la Banque de France à Poitiers?

[Objecté par la poursuite. Objection maintenue.]

Q. Quelle est la partie de ces documents qui est restée entre les mains de M. le Commissaire Betts?

[Même objection. Objection maintenue.]

Q. Existe-t-il à votre connaissance aucune déposition, ce que nous appelons, aux Etats-Unis et au Canada, affidavit, qui accuse le prisonnier de faux?

[Même objection de la part de la poursuite, en autant que la question est trop générale et qu'elle devrait se limiter à la poursuite contre le prisonnier en Canada. Objection renvoyée.]

R. Il existait des dépositions, je présume qu'elles existent toujours. J'ai vu une ou plusieurs dépositions dans lesquelles on disait que M. Lamirande avait fait de faux bordereaux et qu'il avait fait des faux en écritures de commerce pour cacher ses vols. Je me rappelle même qu'un témoin déposait avoir vérifié sa caisse et l'avoir comparée avec son bordereau de situation qui au moyen de chiffres cachait un déficit de plusieurs centaines de 1,000 francs, et que d'après ce témoin ou un autre M. Lamirande avait dû depuis longtemps faire de faux bordereaux, je crois tous les jours mais au moins très souvent.

Q. Avez-vous jamais vu aucun de ces bordereaux ou pièces arguées de faux?—*R.* Non, Monsieur, mais j'ai vu un procès-verbal, je crois, constatant qu'on avait saisi une telle pièce.

Q. La pièce mentionnée dans ce procès-verbal était-elle attaquée comme fausse?—*R.* Je ne sais pas; si je me rappelle, cette pièce avait été saisie dès l'origine, soit immédiatement après la fuite de M. Lamirande ou après l'examen des livres.

Q. Cette pièce a-t-elle été envoyée en Amérique?—*R.* Non; je n'ai jamais vu la pièce; les livres non plus n'ont pas été envoyés en Amérique.

Q. A-t-on envoyé des fac-similes ou copies des pièces arguées de faux?—*R.* Non pas que je sache, mais je crois que la substance des pièces est dans l'arrêt de renvoi dont j'ai aujourd'hui produit une traduction fidèle.

Q. Savez-vous qui représente le Gouvernement Français dans la demande d'extradition qui est faite en Canada?—*R.* Je présume que c'est M. le Consul-Général.

Le prisonnier déclare n'avoir plus d'autres questions à poser au témoin, et cet examen est clos ; et le déposant a signé après lecture faite.

(Signé) F. R. COUDERT.

Prise et reconnue devant moi, à Montreal, ce 14 Août, 1866.

(Signé) W. H. Brehaut, P.M.

Defense.

Bureau de Police.

Province du Canada, District de Montreal.

La déposition de Charles L. Spilthorn, Ecuyer, Avocat de la Ville de New York, un des Etats-Unis d'Amérique, actuellement dans la Cité de Montreal, dans le District de Montreal, prise sous serment ce 20me jour d'Août, dans l'année de notre Seigneur 1866, au Bureau de Police, dans le Palais de Justice, dans la Cité de Montreal, dans le district de Montreal susdit, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police, dans et pour le District de Montreal, en présence d'Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, qui est maintenant accusé devant moi, sur plainte portée devant moi, sous serment, en vertu des dispositions de la Convention entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande et Sa Majesté le Roi des Français, et des Statuts faits et pourvus à cet effet, d'avoir commis à Poitiers, dans l'Empire Français, le crime suivant mentionné dans et prévu par la dite Convention entre Sa Majesté la Reine et le dit Roi des Français, savoir :—

D'avoir le dit Ernest Sureau Lamirande commis le crime de faux, en ayant en sa qualité de caissier de la Succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite banque et par ce moyen fraudé la dite banque de la somme de 700,000 francs.

Le déposant, Charles L. Spilthorn, dépose et dit comme suit :—

J'ai été employé comme l'un des avocats du prisonnier à New York, lorsque son extradition y était demandée. Depuis le commencement de la poursuite pour son extradition en Avril dernier jusqu'à son départ de New York que j'ai compris être le 3 Juillet dernier. Le document produit sous la marque B m'étant montré je ne puis pas bien dire si j'ai vu ce document-là à New York au nombre des pièces qui se trouvaient produites devant le Commissaire Betts, devant qui se poursuivait l'extradition du prisonnier.

Q. Avez-vous vu le document dont cette pièce B prétend être une traduction?—*R.* J'ai vu un document sur la table auprès de laquelle M. le Commissaire Betts était assis, où se traitait l'affaire, qu'on prétendait être une copie envoyée de Poitiers, en France, d'un prétendu arrêt attribué à la Chambre des Mises en Accusation de Poitiers. Ce document était rédigé en Français. On l'appelait, je crois, alors, acte d'accusation—indictment en Anglais. Pour autant que je puisse me souvenir, ce devait être un arrêt de renvoi. C'est difficile de dire si c'était le même document que l'on a désigné comme arrêt de renvoi devant cette Cour et dont on a prétendu que le document B était une traduction. Il n'y a eu qu'un seul document de ce genre produit devant le Commissaire Betts à New York, et ce doit être celui dont on a prétendu que la pièce B était une traduction.

Q. Cet arrêt de renvoi, celui en langue Française, était-il admis à New York, par le Commissaire comme authentique conformément à la loi Française ou au Traité d'Extradition?

[Objecté de la part de la Couronne. Objection maintenue.]

Q. Dites-nous ce que vous connaissez de la pièce B, et du document dont elle prétend être une traduction.—*R.* On avait annoncé qu'il y avait à communiquer à Mr. Betts, à produire devant la Cour de Mr. Betts, un certain nombre de pièces dans lesquelles on disait que se trouvait ce prétendu arrêt de renvoi dont on disait avoir fait des traductions. Ces pièces étaient marquées par Mr. Betts, ne varientur, car je dois expliquer que quoiqu'un Juge marque une pièce, ce n'est pas une preuve de sa réception, et c'est même l'habitude à New York de les faire marquer avant qu'on les offre comme preuve. Il y avait une prétendue traduction du dit arrêt de renvoi, dans laquelle traduction il y avait beaucoup de blancs, et il fut observé que cette traduction ne pouvait être admise comme étant incompréhensible. Les Conseils du prisonnier ici objectèrent à la réception de ces pièces de la part du Commissaire Betts, et là-dessus il fut décidé par le Commissaire que les pièces restaient à la Cour sauf toute objection après pour vérifier. Nous demandâmes alors un délai; on était pressé de pousser la procédure en avant et Mr. Betts m'offrit de prendre le prétendu arrêt de renvoi avec moi et de bien examiner pour le comparer avec la traduction. Je ne me souviens pas très-bien maintenant si j'ai pris la pièce avec moi ou non. A la prochaine audience M. Lamirande était parti, il ne fut plus question de rien. Mais aucune de ces pièces alors produites, le prétendu arrêt de renvoi et la prétendue traduction y comprises, ne fut définitivement admise ou reçue comme preuve ou dûment authentiquée par Mr. Betts. Déjà auparavant Mr. Betts avait rejeté la copie de la déposition du Directeur de la Banque de Poitiers comme n'étant pas dûment authentiquée, et l'acte de renvoi ainsi que les autres pièces produites étaient exactement authentiquées comme la pièce qui avait été rejetée. Ainsi la copie de l'arrêt de renvoi venue de France, ainsi que la prétendue traduction n'étaient pas admises comme preuve, la traduction était déclarée par les Défenseurs de l'accusé incorrecte, à cause des blancs qui s'y trouvaient et d'autres termes qui nous paraissaient incorrects. Parlant des blancs, Mr. Coudert a dit alors qu'il avait laissé ces blancs, parce qu'il n'avait pas pu traduire les termes Français. Aucun expert n'a été entendu pour vérifier la traduction comme cela se fait ordinairement à New York. Comme Lamirande était parti et que l'affaire fut remise par Mr. Betts au 2 Septembre suivant pour le cas qu'il fût repris, je ne me suis plus occupé avant de venir ici, de la procédure du prisonnier. Dix ou douze jours passés Mr. Coudert est venu à mon office; il m'a dit qu'il avait été au bureau de Mr. Betts pour voir s'il ne trouverait pas le prétendu arrêt de renvoi, qu'il avait cherché dans ses papiers à lui-même et qu'il ne l'avait pas trouvé, qu'il venait voir s'il n'était pas dans mon dossier. Je lui ai dit que j'étais sur le point de déloger et que j'avais mis mes papiers dans des malles chez moi, où se trouvait le dossier de Lamirande. Je lui ai dit que je ne savais pas bien si j'avais eu la pièce, mais que mon impression était que je ne l'avais plus dans aucun cas, parce qu'il me semblait l'avoir vu à la Cour à la dernière audience. Mr. Coudert me demanda d'aller de suite chez moi pour voir. Je ne le pouvais pas, attendu que j'avais plusieurs clients qui venaient me consulter et qui étaient pressés. Que je verrais, que j'examinerais mes papiers et que je lui en donnerais des nouvelles le lendemain, et que si je trouvais la pièce et si je pouvais la lui remettre, que je le ferais. J'ai ajouté qu'il ferait bien d'aller chez Mr. Betts lui-même, qui était à la campagne, qui avait déjà plusieurs fois emporté les pièces avec lui à son domicile, et que si je ne la trouvais pas elle devait être là. Mr. Coudert m'a répondu qu'il n'avait pas le temps et qu'il était persuadé que je la trouverais. J'ai fait des recherches partout et je n'ai pas trouvé la pièce. Le lendemain j'allai conduire un Juge de la Cour Supérieure qui s'en allait en Angleterre, et j'ai fait dire par un de mes commis à Mr. Coudert que je n'avais pas trouvé la pièce, que je chercherais encore et que je la remettrais à Mr. Betts, à qui seul je pouvais la remettre si je la trouvais, car Mr. Coudert n'avait aucune autorité, et ne m'en avait point montré, pour avoir cette pièce en cas que je la trouvasse. J'aurais manqué à tous mes devoirs en la lui remettant. Je suis allé spontanément à la Cour de Mr. Betts pour voir s'il était là et pour lui demander s'il avait la pièce, et qu'en cas que je la retrouvasse ce que je devais en faire; il n'y était pas, on disait qu'il était à la campagne et ne reviendrait qu'en Septembre prochain. Mr. Coudert manifestait l'intention d'apporter cette pièce ici, à Montreal, de la soustraire ainsi à la Cour à laquelle elle appartenait, et je me serais rendu, en cas que je l'eusse eue, complice d'un crime en remettant, pour cet objet, la pièce à Mr. Coudert. Je ne pouvais la remettre qu'à Mr. Betts, toujours dans le cas qu'elle eût été en ma possession.

Q. Connaissez-vous la loi Française en général et spécialement en ce qui concerne la manière d'authentiquer les documents en France?

[Objecté par la Couronne. Objection renvoyée.]

R. Oui. Je suis né Français, j'ai fait une partie de mon cours de droit à Paris, j'ai assisté à beaucoup d'affaires en France. J'ai été admis avocat en Belgique, où j'ai pratiqué pendant plus de vingt ans comme avocat. A peu d'exceptions près les Codes Français et Belge sont les mêmes.

Q. Le document marqué B est-il authentiqué de telle manière qu'il justifierait l'arrestation du délinquant y mentionné en France sur la même accusation?—*R.* Pour la France on n'arrête des délinquants que sur des originaux. Si les originaux manquent il y a une disposition dans le Code d'Instruction Criminelle qui y pourvoit. Ces dispositions sont contenues dans les Articles 521, 522, 523, et 524:

L'Article 521 contient les dispositions suivantes: "Lorsque par l'effet d'un incendie, d'une inondation ou de toute autre cause extraordinaire, des minutes d'arrêt rendues en matières criminelles ou correctionnelles et non encore exécutées ou des procédures encore indécises auront été détruites, enlevées, ou se trouveront égarées, et qu'il n'aura pas été possible de les rétablir, il sera procédé ainsi qu'il suit:

"Article 522. S'il existe une expédition ou copie authentique de l'arrêt elle sera considérée comme minute et en conséquence remise dans le dépôt destiné à la conservation des arrêts. A cet effet tout officier public, ou tout individu dépositaire d'une expédition ou d'une copie authentique de l'arrêt est tenu, sous peine d'y être contraint par corps, de la remettre au Greffe de la Cour qui l'a rendu sur l'ordre qui en sera donné par le Président de cette Cour. Cet ordre lui servira de décharge envers ceux qui auront intérêt à la pièce. Le dépositaire de l'expédition ou copie authentique de la minute détruite, enlevée ou égarée, aura la liberté, en la remettant dans le dépôt public, de s'en faire délivrer une expédition sans frais.

"Article 523. Lorsqu'il n'existera plus, en matière criminelle, d'expédition ni de copie authentique de l'arrêt, si la déclaration du jury existe encore, en minute ou en copie authentique, on procédera d'après cette déclaration à un nouveau jugement.

"Article 524. Lorsque la déclaration du jury ne pourra plus être représentée ou lorsque l'affaire aura été jugée sans jury, et qu'il n'en existera aucun acte par écrit, l'instruction sera recommencée à partir du point où les pièces se trouveront manquer tant en minutes qu'en expéditions ou copies authentiques."

Q. Comment les dépositions de témoins doivent-elles être signées pour avoir aucune valeur en France?

[Objecté par la Couronne. Objection renvoyée.]

R. D'après les Articles 75 et 76 du Code d'Instruction Criminelle, les formalités suivantes sont requises:—

"Article 75. Les témoins prêteront serment de dire toute la vérité, rien que la vérité. Le Juge d'Instruction leur demandera leurs nom, prénom, âge, état, profession, demeure; s'ils sont domestiques, parents ou alliés des parties; il sera fait mention de la demande et des réponses des témoins.

"Article 76. Les dépositions seront signées du juge, du greffier et du témoin après que la lecture en aura été faite et qu'il aura déclaré y persister. Si le témoin ne veut ou ne peut signer, il en sera fait mention. Chaque page du cahier d'information sera signée par le juge et par le greffier."

L'Article 74 du même Code porte ce qui suit:—

"Ils représenteront" (entendant par là les témoins) "avant d'être entendus la citation qui leur aura été donnée pour déposer; et il en sera fait mention dans le procès-verbal."

Je dois ajouter qu'il s'agit des témoins entendus devant le Juge d'Instruction.

Q. D'après votre connaissance du droit Français, un huissier ou officier de la force publique pourrait-il arrêter un délinquant en France, avec un document du caractère de celui marqué B?

[Objecté par la Couronne. Objection maintenue.]

Q. Voulez-vous citer le texte de l'Article 147 du Code Pénal Français mentionné dans la pièce B?—*R.* L'Article 147 du Code Pénal Français dit:—

"Seront punis des travaux forcés à temps toutes autres personnes qui auront commis un faux en écritures authentiques et publiques, ou en écritures de commerce ou de banques, soit par contrefaçon ou altération d'écritures ou de signatures, soit par fabrication de conventions, dispositions, obligations ou décharges, ou par leur

insertion après coup dans ces actes, soit par addition ou altération de clauses, de déclarations ou de faits que ces actes avaient pour objet de recevoir et de constater.

" Article 148. Dans tous les cas exprimés au présent paragraphe, celui qui aura fait usage des actes faux sera puni des travaux forcés à temps."

Q. Les Articles 379, 386, 408, et 164 du Code Pénal Français ont-ils trait au crime de faux ?—*R.* Non ; l'Article 379 est relatif au vol ; l'Article 386 est aussi relatif au vol avec circonstances aggravantes ; l'Article 408 est relatif au détournement de fonds ; l'Article 164 est relatif à une amende accessoire à la peine de faux.

Q. D'après ce que vous connaissez de la loi Française résulte-t-il un faux des faits consignés comme suit dans la pièce B, page 7 :

" 3. With having at Poitiers, on the 12th of March, 1866, fraudulently inserted on the balance-sheet signed by him, which it was his duty to establish and to certify every day in his capacity of cashier of the branch of the Bank of France, in order to state the cash account of said branch, the false declarations that the cash account on said day amounted to 11,440,556 francs 84 centimes, while it was in reality inferior to that amount by all the sums abstracted or embezzled by him, and having thus fraudulently altered the declarations and facts which this balance-sheet was to contain and establish ?"

[Objecté par la Couronne. Objection maintenue.]

Q. Avez-vous eu avec M. Edme Justin Melin, Agent de Police, qui a déposé dans cette affaire, quelque conversation relativement aux conversations qu'il aurait eues lui-même avec le prisonnier à New York touchant l'accusation de faux portée contre le prisonnier ? Si tel est le cas rapportez ce qu'il vous a dit.—*R.* Oui. Voici ce que je sais relativement à cela. Le prisonnier, M. Melin, moi et même Mr. Betts, étions ensemble chez Delmonico. Je fis l'observation à M. Melin que le prisonnier avait eu tort de quitter l'Angleterre, puisque là il ne pouvait être extradé que pour assassinat, pour faux et banqueroute frauduleuse, et que certainement on ne l'accuserait pas d'aucun de ces faits. M. Melin dit qu'en effet aucun de ces faits ne pouvait exister contre le prisonnier, mais qu'il aurait trouvé moyen d'avoir M. Lamirande en Angleterre, qu'il connaissait très-bien son métier, qu'il était chasseur d'hommes, qu'il chercherait son gibier et le trouverait par tous les moyens et qu'il le mangerait, voulant dire par là qu'il aurait sa récompense. M. Lamirande protestait hautement qu'il n'avait jamais commis de faux. Lorsque la première fois il fut parlé de l'accusation de faux à la Cour devant Mr. Betts, M. Lamirande se récria hautement que c'était une infamie, que jamais il n'avait commis de faux et qu'on ne pourrait pas prouver cela contre lui. Il a dit cela en présence de M. Melin et de beaucoup d'autres. Lorsqu'on produisit le prétendu arrêt de renvoi, M. Lamirande disait encore hautement qu'il ne pouvait pas en croire ses yeux, et moi-même j'ajoutai que je ne pensais pas qu'il y avait en France des Magistrats capables de voir là un faux ; que c'était tout le contraire, à moins que ce ne fût un tour qu'on voulait jouer dans l'affaire Lamirande comme on avait déjà fait, neuf ans auparavant, dans l'affaire Carpentier, Grelet et Parrot et autres, où j'étais avocat et où Mr. Betts était commissaire, où ne pouvant obtenir l'extradition sur l'accusation de burglary on avait accusé les prisonniers de faux pour obtenir plus sûremen leur extradition ; que là-dessus on avait obtenu l'extradition de Grelet, qui n'avai jamais été accusé ni condamné pour faux en France, mais condamné pour abus d confiance, pour lequel il n'y avait pas d'extradition ; que je prierais Mr. Betts d'y faire une attention toute particulière si l'on venait avec cette accusation devant lui d'autant plus je disais à Mr. Betts, que le cas d'embezzlement, pour lequel on demandait l'extradition de M. Lamirande, n'était pas un cas d'extradition aux yeux de la loi Américaine, dans la position de M. Lamirande. Là-dessus, Mr. Coudert, qui a déposé ici, et qui était le principal avocat qui menait l'affaire, a dit qu'il me comprenait et qu'il n'entendait pas du tout demander l'extradition pour faux et même qu'il y renonçait expressément, il était entendu qu'on ne parlerait pas de faux. M. Melin était présent, il a entendu les protestations de M. Lamirande. Un ancien Procureur du Roi Français était présent ; il a été entendu comme témoin dans l'affaire de la part de la défense, et qui disait qu'il ne pouvait pas comprendre qu'un tel arrêt fût rendu par des Magistrats Français dans un cas si clair où le faux n'était pas possible. M. Melin lui-même disait, en bon garçon qu'il est, que c'était absurde, qu'il n'y avait pas de faux là.

Q. Savez-vous si après l'arrivée à New York de la copie d'arrêt de renvoi dont la pièce B prétend être une traduction, M. Melin a eu aucune conversation à la prison avec le prisonnier, et s'il a pu avoir de telles conversations avec M. Melin sur

le faux après les conversations que vous venez de rapporter?—*R.* Sur la possibilité je ne pourrais rien dire, mais sur le sens moral je puis m'expliquer. Lorsque la procédure a commencé devant Mr. Betts au mois d'Avril, il n'y avait aucune question encore d'un arrêt de renvoi pour faux, ni de faux en aucune manière; personne n'en avait jamais parlé. On en avait d'autant moins parlé que la déposition du directeur de la Banque de Poitiers (qui était avec M. Lamirande) chez Mr. Betts avec un mandat d'arrêt attribué à Jolly, Juge d'Instruction à Poitiers, ainsi qu'une plainte au Procureur Impérial de Poitiers, plus une complainte de M. le Consul-Général Français à New York, avait été déposée pour l'arrestation de M. Lamirande chez Mr. Betts, il était expressément dit dans cette déposition du dit directeur qu'on pouvait aussi frauder la banque par altération d'écritures, mais que ce n'était pas là le cas avec M. Lamirande. Dans le mandat d'arrêt du dit Juge d'Instruction, ainsi que dans la plainte faite au Procureur Impérial, il n'était pas dit un mot du faux, et on ordonnait seulement l'arrestation de M. Lamirande pour détournement de fonds en citant les Articles 379 et 408 du Code Pénal Français, qui n'ont trait qu'au vol et au détournement de fonds. Jusqu'alors personne n'avait parlé de faux à M. Lamirande, puisque personne n'en avait connaissance; j'entends jusqu'au moment où pour la première fois M. Lamirande vint devant le Commissaire Betts; alors moi et les autres Conseils de M. Lamirande avons défendu à M. Lamirande de recevoir encore M. Melin, ou de lui parler encore en particulier. M. Melin a dit lui-même que M. Lamirande n'a plus voulu le recevoir, et notre refus était fondé sur ce que M. Melin par des promesses et des insinuations avait prétendu tirer de M. Lamirande des confessions contraires à sa position. M. Melin m'avait dit lui-même qu'il avait dit à Lamirande que s'il voulait tout avouer, et retourner, il serait moins puni, et que son père et ses parents étaient en prison à Poitiers. Mais M. Melin ajoutait qu'il le faisait par bienveillance pour le prisonnier.

Le déposant ne dit rien de plus pour le présent, sa déposition est continuée à demain, à 11 heures du matin, et le déposant a signé, lecture faite.

(Signé) C. L. SPILTHORN.

Assermentée, prise et reconnue par-devant moi à Montréal, ce 20me jour d'Août, 1866.

(Signé) W. H. Brehaut, P.M.

Avenant ce jourd'hui le 21me jour d'Août dans l'année de Notre Seigneur 1866, le déposant susnommé comparaît de nouveau devant le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police dans et pour le district de Montreal, et étant ré-assermenté en présence du prisonnier Ernest Sureau Lamirande, sa déposition est reprise et continuée comme suit:—

Je déclare en outre de ce que j'ai dit déjà et dépose qu'il n'est pas vrai que j'aie juré, que j'aie dit au témoin Coudert que je jurais de lui rendre la pièce dite arrêt de renvoi si je la trouvais, je ne me sers même jamais de ces expressions; je ne lui ai dit autre chose à ce sujet que ce que j'ai déposé hier. Il n'est pas vrai non plus que, comme le même Coudert l'a déposé, que j'ai demandé la dite pièce à Mr. Betts pour l'emporter, et si je l'ai prise avec moi, ce dont je ne me souviens pas exactement, c'est Mr. Betts lui-même qui me l'a volontairement remise. Je l'ai si peu demandée et prise, que pour vérifier la prétendue traduction offerte par Mr. Coudert, Mr. Clinton et moi, nous avons demandé une remise de l'affaire pour vérifier la dite traduction ainsi que les autres traductions offertes avec les pièces prétendument venues de France, y compris le prétendu arrêt de renvoi, au bureau de Mr. Betts, et c'est là-dessus que Mr. Coudert demandant à presser l'affaire et pour ne pas perdre de temps, que Mr. Betts m'a spontanément offert la pièce pour la prendre avec moi, et il n'est pas vrai non plus, comme le dit Mr. Coudert ici, que son frère ou lui ait fait la moindre objection, et je disais que je préférerais même de beaucoup vérifier les pièces dans le bureau de Mr. Betts.

Q. Dans une accusation de faux portée en France la production de la pièce arguée de faux est-elle nécessaire?

[Objecté de la part de la Couronne. Objection maintenue.]

Q. Après la clôture de votre examen hier, M. Melin vous a-t-il parlé de la déposition qu'il vous avait entendu faire? et veuillez rapporter ce qu'il vous en a dit.

[Objecté de la part de la Couronne. Objection maintenue.]

Q. M. Melin vous a-t-il dit hier après la clôture de votre déposition que vous

aviez exactement rapporté les conversations que vous aviez eues avec lui à New York ?

[Objecté de la part de la Couronne. Objection maintenue.]

Le Conseil du prisonnier déclare n'avoir plus d'autres questions à poser au témoin produit par lui ; la dite déposition est lue au déposant, qui déclare qu'elle contient la vérité et a signé.

(Signé) C. L. SPILTHORN.

Assermentée, prise et reconnue par-devant moi à Montreal, ce 21me jour d'Août 1866.

(Signé) W. H. Brehaut, P.M.

Lecture ayant été faite de la déposition précédente, en présence du prisonnier Ernest Sureau Lamirande, M. Pominville, Conseil de la poursuite, déclare désirer poser au témoin les questions suivantes en contre-interrogatoire.

Q. Avez-vous agi comme défenseur de l'accusé Lamirande à New York durant tout le temps de la demande pour son extradition ?—*R.* Oui.

Q. Quels étaient les autres défenseurs de l'accusé qui ont agi conjointement et de concert avec vous ?—*R.* Mr. Clinton et Mr. Stalnecht.

Q. Combien de temps après l'arrestation de l'accusé Lamirande avez-vous été retenu comme son défenseur ?—*R.* Depuis l'arrestation pour extradition jusqu'au moment où il est parti et même le 5 Juillet, puisque je me suis rendu à l'audience et il n'y était pas. Je me rappelle maintenant que quelque temps avant l'arrestation pour extradition j'avais été consulté par l'accusé. Lamirande avait été arrêté pour prétendu détournement de fonds d'abord au nom d'un banquier de Paris, dont on prétendait qu'il avait pris l'argent, et ensuite on a agi de ce chef pour la Banque de France, dont on prétendait alors qu'il avait détourné les mêmes fonds. Les frères Coudert étaient les avocats de la Banque de France et j'avais été consulté par Lamirande dans ce procès. Ceci était civilement.

Q. D'après la réponse que vous venez de donner doit-on comprendre que l'accusé Lamirande a été arrêté deux fois ?—*R.* L'accusé Lamirande a été arrêté d'abord civilement et successivement, si je me rappelle bien, deux fois, c'est-à-dire, qu'il avait été arrêté une première fois et pendant qu'il était en prison on lui a signifié qu'il était arrêté une seconde fois. Je ne pourrais pas dire au juste ici s'il y a eu deux arrestations civiles ; mais pour sûr il y en a eu une, et c'est pendant qu'il était arrêté ainsi civilement qu'un ordre d'arrestation a été donné contre lui pour extradition sur le fondement de détournement de fonds au préjudice de la Banque de France.

Q. Alors c'est sur le mandat d'arrêt pour détournement de fonds et pour l'extradition de l'accusé que vous avez agi comme Conseil, comme son défenseur ?—*R.* J'ai agi comme Conseil dans le procès civil ainsi que dans la demande d'extradition.

Q. Dites-nous combien de temps après l'arrestation de Lamirande vous l'avez vu pour la première fois ?—*R.* Il était arrêté depuis quelque temps civilement lorsque je l'ai vu et qu'il m'a consulté la première fois, peut-être huit, dix ou quinze jours après ; peut-être plus ou peut-être moins. Je ne saurais le dire exactement.

Q. N'est-il pas vrai que la demande pour l'extradition de l'accusé Lamirande à New York ne reposait et n'a reposé que sur le détournement des déniers de la Banque de Poitiers et le crime d'embezzlement ?—*R.* Je ne connais pas d'autre demande d'extradition contre M. Lamirande que pour détournement, et je ne puis pas appeler ici, comme je ne l'ai pas fait à New York, le prétendu " embezzlement," en langue Française un crime, ni en France ni aux Etats-Unis, mais simplement un délit dans le cas de Lamirande.

Q. Combien de temps a duré devant le Commissaire Betts l'instruction pour l'extradition de l'accusé Lamirande ?—*R.* Je ne puis pas préciser exactement le jour qu'a commencé la procédure dans le mois d'Avril, mais c'était dans le mois d'Avril, et elle a duré jusqu'au 5 Juillet, après l'évasion d'accusé.

Q. Pendant le cours de cette instruction pour l'extradition de l'accusé Lamirande, n'est-il pas vrai qu'il a été produit devant le Commissaire Betts certain nombre de documents sur lesquels ce dernier a mis ses initiales ?—*R.* Je crois que oui.

Q. Prenez communication de la pièce B produite en cette affaire, et dites si vous trouvez écrites les initiales du dit Commissaire Betts ?—*R.* Je vois E, A, et B.

Je ne pourrais pas attester que ce sont là les initiales de Mr. Betts, mais j'ai beaucoup de doutes que ce soient là ses initiales, parce qu'il me semble d'après les initiales que j'ai vues de Mr. Betts, mais je n'en ai pas vu beaucoup, elles étaient plus nettement et plus fermement tracées. Je ne puis rien assurer là-dessus.

Q. Pouvez-vous jurer que les initiales qui se trouvent sur le document B ne sont pas les initiales de M. le Commissaire Betts?—*R.* Je ne jure rien là-dessus.

Q. Quand cette pièce a été produite devant le Commissaire Betts, les Conseils de l'accusé, MM. Clinton et Stalnecht, ont-ils fait quelqu'objection?—*R.* Je ne me souviens pas que cette pièce-ci ait jamais été produite devant le Commissaire Betts, car je ne l'y ai jamais lue ni vue moi-même; mais je sais que quand on a produit des prétendues traductions de la pièce que Coudert a appelée ici "arrêt de renvoi," ces traductions contenaient, comme je l'ai dit dans mon examen en chef, des blancs, et que Mr. Clinton et moi se sont opposés, et ont objecté à l'admission tant de la prétendue pièce venue de France qu'à la dite traduction d'icelle. Quant à Mr. Stalnecht, je crois qu'il n'était pas à l'audience, où il ne venait pas toujours.

Q. Connaissez-vous la distinction entre un arrêt de renvoi et un acte d'accusation en France?—*R.* Oui. L'arrêt de renvoi est rendu par la Chambre des Mises en Accusation, après instruction et investigation de la charge portée contre l'accusé. Lorsqu'un accusé est présent on est généralement plus circonspect et on entre dans plus de détails que lorsqu'il est absent, et en son absence cela se fait généralement assez légèrement. L'acte d'accusation est un écrit postérieur à l'acte de renvoi qu'a ordre de rédiger le Procureur-Général, et c'est sur cet acte d'accusation qui est signifié à l'accusé et qui est lu à la Cour d'Assises devant le jury que se fait la procédure criminelle contre l'accusé.

Q. L'arrêt de renvoi ne contient-il pas toutes les inculpations contre l'accusé?—*R.* Généralement; cependant s'il ressortait devant la Cour d'Assises d'autres faits que ceux contenus dans l'acte de renvoi, la Cour d'Assises se donne souvent le droit de le juger là-dessus.

Q. N'est-il pas vrai qu'à New York, durant l'instruction pour l'extradition de l'accusé Lamirande, des avocats Français ont été consultés ou examinés, tant de la part de la poursuite que de la défense relativement à la légalisation des pièces venues de France et produites dans l'affaire?—*R.* Oui.

Q. N'est-il pas vrai que nonobstant l'opinion exprimée par les défenseurs de l'accusé Lamirande, l'avocat Français produit de la part de la défense déclara que les pièces produites étaient suffisamment légalisées?—*R.* Si je me rappelle bien, il a déclaré le contraire, qu'elles ne l'étaient pas.

Q. Pouvez-vous jurer que cet avocat Français, examiné de la part de la défense, a déclaré que ces pièces n'étaient pas suffisamment légalisées pour être admises devant les tribunaux Français?—*R.* Au mieux de mon souvenir, il a dit que pour qu'une légalisation fût valable elle devait contenir ce qu'en dit M. Merlin dans le "Répertoire de Jurisprudence" au mot "Légalisation," et comme elles ne contenaient pas ces réquisites il disait qu'elles n'étaient pas suffisantes, comme légalisation.

Q. L'avocat Français, consulté de la part de la poursuite, a-t-il été de même opinion que celui dont vous venez de parler?—*R.* Je ne me souviens pas très-bien de ce qu'il a dit, mais pour autant que je me souvienne de ce qu'il a dit, étant transquestionné, qu'on ne pouvait en France agir que sur des pièces originales qui alors n'avaient pas besoin d'être légalisées dans leur ressort. Je dois ajouter qu'il était très-contradictoire dans ses réponses, et que Mr. Clinton l'a même traité de parjure en plaidant. C'était un homme qui n'agissait pas comme avocat, mais on douta beaucoup qu'il eut la qualité d'avocat.

Q. Sur le serment que vous avez prêté, n'est-il pas vrai que M. Catois, l'avocat Français consulté de la part de la défense, a admis devant le Commissaire Betts, devant le tribunal, qu'il y avait des cas où des dépositions légalisées telles que l'étaient celles produites, étaient reçues en France?

[Objecté de la part de la défense. Objection renvoyée.]

R. Je ne me souviens pas bien s'il a été interrogé là-dessus, ou ce qu'il a répondu; mais je sais bien qu'il a dit qu'en matière criminelle en France on ne pouvait recevoir que les pièces originales, et si elles étaient anéanties ou perdues, qu'on ne pouvait admettre des copies que comme il est prescrit par le Code d'Instruction Criminelle.

Q. Combien de temps avant l'évasion de l'accusé Lamirande de New York l'arrêt de renvoi a-t-il été produit devant le Commissaire Betts?—*R.* Au mieux de mon souvenir le Jeudi ou le Mercredi auparavant.

Q. Avant la production de cet arrêt de renvoi devant le Commissaire Betts avait-il été question d'inculpation de faux contre l'accusé Lamirande?—*R.* Non, pas à ma connaissance, à l'audience.

Q. Combien de temps après la production de cet arrêt de renvoi devant le Commissaire Betts l'avez-vous eu en votre possession?—*R.* Je ne me rappelle pas si je l'ai pris avec moi ou non. Si je l'ai eu avec moi, c'était à une des dernières audiences.

Q. Y a-t-il eu des correspondances échangées entre Mr. Coudert et vous relativement à cet arrêt de renvoi?—*R.* Mr. Coudert m'a écrit un billet le lendemain ou le surlendemain qu'il était venu chez moi pour demander la dite pièce.

Q. Savez-vous qu'un mandat d'arrêt a été lancé contre vous à New York relativement à la dite pièce, arrêt de renvoi, dont il a été question dans cette affaire?—*R.* Je n'en sais rien. Mr. Coudert l'a déposé ici.

Q. Comme avocat de l'accusé Lamirande vous avez soutenu, n'est-ce pas, à New York qu'il ne pouvait pas être extradé?—*R.* Oui, et je le soutiens encore.

Q. N'est-ce pas vous qui avez donné des instructions et fourni des renseignements au défenseur de l'accusé Lamirande ici, relativement à la demande pour son extradition?—*R.* Oui, j'en ai fourni quelques-unes.

L'avocat de la poursuite déclare n'avoir pas d'autres questions à poser au témoin et cet examen est clos, et après lecture faite le déposant a signé.

(Signé) C. L. SPILTHORN.

Prise et reconnue par-devant moi à Montréal ce 21me jour d'Août, 1866.

(Signé) W. H. Brehaut, P.M.

Defense.

Bureau de Police.

Province du Canada, District of Montreal.

La déposition d'Emile B. Morel, Ecuyer, Avocat de la ville de New York, dans l'Etat de New York, un des Etats-Unis d'Amérique, actuellement dans la cité de Montreal, dans le district de Montreal, prise sous serment ce 22me jour d'Août, dans l'année de notre Seigneur 1866, au Bureau de Police, dans le Palais de Justice, dans la cité de Montreal, dans le district de Montreal susdit, par le Soussigné, William H. Brehaut, Ecuyer, Magistrat de Police, dans et pour le district de Montreal, en présence d'Ernest Sureau Lamirande, ci-devant de Poitiers, dans l'Empire Français, qui est maintenant accusé devant moi, sur plainte portée devant moi sous serment en vertu des dispositions de la Convention entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande et Sa Majesté le Roi des Français, et des Statuts faits et pourvus à cet effet, d'avoir commis à Poitiers, dans l'Empire Français, le crime suivant mentionné dans et prévu par la dite Convention entre Sa Majesté la Reine et le dit Roi des Français, savoir:—

D'avoir le dit Ernest Sureau Lamirande commis le crime de faux, en ayant, en sa qualité de caissier de la succursale de la Banque de France à Poitiers, fait de fausses entrées dans les livres de la dite Banque et par ce moyen fraudé la dite Banque de la somme de 700,000 francs.

Le déposant Emile B. Morel dépose et dit comme suit:

Question. Avez-vous eu quelque rapport avec la poursuite qui a eu lieu à New York pour l'extradition du prisonnier en Avril, Mai, et Juin dernier?—*Réponse.* J'étais avocat particulier de M. Lamirande à New York, mais je ne paraissais pas en nom comme un de ses défenseurs devant le Commissaire Betts. Il me consultait dans son affaire d'extradition et dans ses autres affaires en général, J'ai assisté à presque toutes les séances qui ont eu lieu devant le Commissaire Betts. J'ai notamment assisté à une séance, je ne me souviens pas si c'est la dernière ou l'avant-dernière séance avant la fuite de Lamirande, et à cette séance Mr. Coudert, avocat de la poursuite, produisit un acte ou prétendue copie d'un prétendu arrêt de renvoi, ainsi qu'une prétendue traduction de la dite copie. Les défenseurs de l'accusé s'opposèrent à la réception de ces pièces; primo, parce que la prétendue copie du prétendu arrêt de renvoi n'était pas dûment légalisée; et, secundo, s'opposèrent à la réception de la traduction, parce qu'il y avait beaucoup de blancs et qu'elle était autrement incorrecte et inintelligible. Mr. Betts décida qu'il n'admettrait pas les pièces définitivement, qu'il réservait sa décision à cet égard. Les avocats de l'accusé demandèrent un délai, afin de pouvoir examiner les dites pièces et comparer la traduction faite par Mr. Coudert. Alors Mr. Betts répondit que

comme il ne désirait pas prolonger l'affaire plus longtemps par des délais, il priait Mr. Spilthorn d'emporter la pièce avec lui et que de cette manière-là les pièces pourraient être examinées de là à la prochaine séance. Je n'ai pas remarqué si Mr. Spilthorn a emporté la pièce oui ou non. Lorsque l'on produisit ce prétendu arrêt de renvoi qui accusait soi-disant M. Lamirande de faux, un cri universel retentit de toutes parts quant à l'absurdité d'une pareille accusation.

Q. Voulez-vous dire si le document produit devant Mr. Betts comme traduction du prétendu arrêt de renvoi était la même que la pièce B produite ici, et si c'était la même était-elle alors dans l'état où vous trouvez aujourd'hui la pièce B? —*R.* Je vous dirai que j'ai bien entendu dire par Mr. Clinton, qu'il y avait une masse de mots non traduits et en blanc dans la dite traduction de Mr. Coudert, ce dont Mr. Coudert convint, et qu'il attribua à l'impossibilité où il s'était trouvé de traduire ces mots, parce qu'il ne les comprenait pas exactement ; qu'il ne savait pas en apprécier leur exacte valeur ; mais quant à la pièce B, je ne puis pas dire l'avoir vue ; par conséquent, je ne sais pas si c'est celle-là ou pas. Je ne pourrais pas assurer positivement s'il y a eu une séance après celle où M. Spilthorn a été requis d'emporter la traduction pour la comparer, mais je ne le crois pas. Je sais qu'on s'est réuni une fois, mais il n'y a pas eu de séance, à cause de la maladie d'un des avocats. Je ne dis rien de positif à cet égard.

Q. M. Edme Justin Melin a-t-il exprimé en votre présence ce qu'il savait ou pensait de l'accusation de faux, soit à New York, soit ici?—*R.* M. Melin, comme tout le monde, a convenu de l'absurdité d'une pareille accusation ; il disait qu'on ne pouvait pas l'extrader pour faux, qu'il n'y avait pas là de faux. Ici à Montréal, à plusieurs reprises, devant d'autres personnes il a reconnu que tout ce que Mr. Spilthorn avait dit ici était vrai, et qu'il n'avait jamais voulu dire dans son témoignage que M. Lamirande s'était reconnu coupable de faux, qu'il avait seulement reconnu qu'on l'avait accusé de faux.

Q. M. Melin a-t-il été témoin à New York ?—*R.* Non pas que je m'en rappelle. Je ne comprends pas comme témoignage les affidavits qu'il aurait pu donner ; et j'ignore s'il en a donné. Je veux seulement parler des témoignages oraux.

Q. Le prisonnier était-il accusé de faux à New York soit dans les procédés de son extradition soit dans les dépositions qui servaient de base à cette procédure? —*R.* Avant la production de la prétendue copie du prétendu arrêt de renvoi, on n'avait jamais parlé de faux. J'ai lu les différentes dépositions ou prétendues dépositions, qui étaient déposées au Greffe, et, entr'autres, la déposition de M. Bailly, l'un des Directeurs, je crois, de la Succursale de la Banque de France à Poitiers, dans laquelle déposition M. Bailly disait qu'on pouvait faire des détournements de fonds au moyen de faux, ou d'altérations dans les livres, et que tel n'était pas le cas avec M. Lamirande. Je n'ai nulle part vu le fait de faux bordereaux, ou même de fausses entrées, je crois, mentionnée. Il faut bien s'entendre que je parle des pièces déposées au Greffe à New York avant la production de la prétendue copie du prétendu arrêt de renvoi, car je n'aimerais pas qu'on dirait que je me contredis. Quand on a produit devant le Commissaire Betts la prétendue copie du prétendu arrêt de renvoi, le prisonnier s'est écrié hautement qu'il ne se reconnaissait pas coupable de faux ; que ce n'était pas un faux ; et les MM. Coudert eux-mêmes ont convenu qu'il n'y avait pas matière à faux, et qu'ils abandonnaient toute espèce de poursuite à cet égard.

Q. Connaissez-vous suffisamment les conditions des Traités d'Extradition entre la France et les Etats-Unis, pour dire si le faux est l'un des crimes pour lesquels l'extradition peut être respectivement demandée entre ces deux Puissances ?

[Objecté par la Couronne. Objection renvoyée.]

R. Oui ; le faux est l'un des crimes énumérés dans ces Traités.

Le Conseil du prisonnier déclare n'avoir pas d'autres questions à poser au témoin produit. Et le déposant, après lecture faite, déclare que sa déposition contient la vérité, y persiste et a signé.

(Signé) EMILE B. MOREL.

Assermentée, prise et reconnue par-devant moi à Montréal, ce 22me jour d'Août, 1866.

(Signé) W. H. Brehaut, P.M.

La déposition précédente ayant été faite et lue en présence du prisonnier, Ernest Sureau Lamirande, M. Pominville, Conseil de la poursuite, déclare désirer poser au témoin les questions suivantes en contre-interrogation :—

Q. Depuis quand êtes-vous avocat?—*R.* Je suis avocat depuis 1860.

Q. Depuis l'arrestation de Lamirande ici n'avez-vous pas été son aviseur et n'est-ce pas vous qui avez fourni à l'avocat qui le défend toutes les informations, renseignements, relativement à cette affaire?—*R.* Je suis un des conseils de Lamirande ici; nous nous sommes consulté avec Mr. Doutre sur son affaire.

Q. Mr. Spilthorn, témoin, entendu de la part de la défense, est-il aussi conseil de l'accusé?—*R.* Je ne sais pas jusqu'à quel point Mr. Spilthorn se considère comme le conseil de l'accusé.

Q. Quel degré de parenté y a-t-il entre Mr. Spilthorn et vous?—*R.* Mr. Spilthorn est mon oncle. J'ai étudié la loi chez lui. Nous pratiquons dans le même bureau.

Q. Dois-je comprendre que vous êtes en société avec Mr. Spilthorn?—*R.* Oui et non.

Q. Dans votre examen en chef vous dites que vous avez agi à New York comme l'avocat particulier de Lamirande, dites-nous donc ce que vous entendez par là?—*R.* C'est-à-dire que M. Lamirande me consultait sur ses affaires en général en dehors de ses autres avocats.

Q. Combien de temps après l'arrestation de Lamirande à New York l'avez-vous vu pour la première fois?—*R.* Je ne sais pas si c'est quinze jours ou trois semaines après, mais je ne puis rien certifier de certain à cet égard.

Q. Dans quel temps a commencé l'instruction à New York pour l'extradition de Lamirande?—*R.* Je crois me rappeler que c'est dans le courant du mois de Mai. L'extradition était demandée pour le crime d'embezzlement, il n'était alors nullement question d'inculpation de faux, pas que je sache. Cette procédure pour l'extradition de l'accusé s'est continuée jusqu'à la fuite du prisonnier. J'ai entendu dire qu'il s'était enfui le 3 Juillet. L'instruction pour l'extradition du prisonnier tirait alors à sa fin.

Q. Combien de temps avant la fuite du prisonnier l'arrêt de renvoi a-t-il été produit devant le Commissaire Betts?—*R.* Je dis que je n'étais pas tout à fait certain, mais que je croyais que cela a été à la dernière ou à l'avant-dernière séance.

Q. Avez-vous lu l'arrêt de renvoi produit devant le Commissaire Betts?—*R.* Je ne me rappelle pas l'avoir lu.

Q. Avez-vous lu la traduction qui en a été faite?—*R.* Je ne m'en rappelle pas.

Q. Avez-vous vu les initiales du Commissaire Betts sur les pièces et documents produits devant lui dans l'affaire de Lamirande?—*R.* Je ne m'en rappelle pas.

Q. Les objections faites par les avocats de l'accusé relativement aux pièces produites ont-elles été couchées par écrit?—*R.* Je crois que oui, parce que c'est l'habitude de le faire.

Q. Mr. Clinton, l'un des avocats de l'accusé, parle-t-il le Français?—*R.* Je ne le sais pas.

Q. Avez-vous vu dans le bureau de Mr. Spilthorn ou le vôtre l'arrêt de renvoi dont vous avez parlé plus haut?—*R.* Non.

Q. N'est-il pas vrai que lorsque vous dites dans votre examen en chef "un cri universel retentit de toute part quant à l'absurdité de l'accusation de faux," vous n'entendez parler que des avocats de l'accusé?—*R.* J'entends parler aussi de M. Catois, un avocat très distingué de France, qui a dit qu'il ne comprenait pas comment des Magistrats Français pouvaient se prostituer à une pareille infamie que d'accuser ainsi indûment un individu de faux sachant qu'il n'y avait pas de faux possible d'après les lois Françaises. J'ai remarqué que tous excepté ceux intéressés dans la poursuite trouvaient la chose incroyable et absurde.

Q. Ce M. Catois n'était-il pas un des avocats consultés de la part de la défense?—*R.* Non, il ne l'était pas, car au contraire j'ai toujours entendu dire à M. Catois qu'il ne venait pas pour approuver les fautes que le prisonnier aurait pu commettre, mais qu'il venait simplement pour déposer devant et instruire le juge de ce qu'étaient les lois, le droit et la justice en France, qu'il le savait mieux que personne à New York pour ce genre d'affaires, parce que lui-même avait été Procureur du Roi en France pendant de nombreuses années.

Q. Combien y avait-il de personnes présentes au tribunal dans l'occasion où l'arrêt de renvoi a été produit?—*R.* Je ne les ai pas compté.

Q. A part les avocats tant de la poursuite que de la défense, et vous y compris, y avait-il plus de cinq personnes?—*R.* Je sais qu'il y avait plusieurs personnes, mais je ne puis pas répondre autrement avec certitude.

Q. Y avait-il plus de six personnes?—*R.* Je n'en sais rien.

Q. Y en avait-il plus de trois?—*R.* Je ne m'en rappelle pas ou plutôt je n'en sais rien, mais je pense que oui.

Q. N'est-il pas vrai que le nommé Melin, dont vous avez parlé dans votre examen en chef, vous a toujours dit qu'il n'accusait pas Lamirande, qu'il était accusé par la justice Française, et que par conséquent il croyait l'accusation fondée; et n'a-t-il pas ajouté aussi que la réponse que Lamirande lui avait faite concernant le faux indiquait implicitement qu'il se reconnaissait coupable?—*R.* Non, si je me rappelle bien il m'a toujours dit le contraire. Il m'a dit qu'il ne pouvait pas accuser Lamirande de s'être avoué coupable de faux puisqu'il ne s'était jamais avoué coupable; voilà ce qu'il m'a dit.

Q. Quand vous a-t-il dit cela?—*R.* Il me l'a dit hier encore, ici à la porte de la Cour; et je lui ai entendu dire différentes autres fois ici même et ailleurs, où nous demeurons, à l'Hôtel Jacques Cartier.

Q. Qui a invité Melin à aller à l'Hôtel Jacques Cartier, et pourquoi a-t-il été invité à s'y rendre?—*R.* Je ne me rappelle pas s'il y est venu de son propre gré ou s'il y a été invité, je n'en suis pas sûr.

Q. Rapportez les propres expressions dont s'est servi M. Melin lorsqu'il vous a parlé de l'inculpation de faux portée contre l'accusé?—*R.* Je crois me rappeler qu'il s'est servi des termes, ou à peu près des termes, mentionnés plus haut par moi. Je ne puis pas dire exactement mot par mot les expressions qu'il a employées.

Q. Sur le serment que vous avez prêté, n'est-il pas vrai que M. Melin vous a dit dans les occasions en question que lorsqu'il avait parlé à Lamirande de l'arrêt de renvoi qui l'inculpait de faux, Lamirande avait répondu: "Oui c'est vrai, je le sais"?—*R.* Je ne m'en rappelle pas. Je suis moralement certain du contraire.

Q. N'est-il pas vrai que le nommé Melin vous a dit que pour lui personnellement il ne pouvait accuser Lamirande de faux, mais que la réponse de Lamirande, en lui parlant de ce crime, "Je le sais bien," indiquait implicitement, dans la conviction de Melin, que Lamirande se reconnaissait coupable?—*R.* Je ne me rappelle pas que Melin m'ait jamais dit cela.

Q. Sur le serment que vous avez prêté, donnez les expressions dont s'est servi hier Melin quand il vous a parlé de l'affaire de faux?—*R.* Comme je l'ai déjà dit, je ne pourrais pas dire mot pour mot les expressions dont s'est servi Melin, mais je puis dire que les expressions qu'il a employées et la teneur des expressions qu'il a employées, et qu'il a à peu près littéralement employées, si pas littéralement, ont été celles-ci: "Je ne puis pas accuser Lamirande de s'être avoué coupable à moi, attendu qu'il ne s'est jamais avoué coupable à moi de faux."

Q. Melin était-il sous serment lorsqu'il vous a ainsi parlé?—*R.* J'aimerais que le savant avocat m'expliquât ce qu'il entend par être sous serment.

Q. Savez-vous si vous êtes sous serment et que vous avez donné votre déposition sous serment?—*R.* Oui, je sais que je suis sous serment et que j'ai donné ma déposition sous serment.

Q. Avez-vous aidé ou participé à l'évasion du prisonnier Lamirande de New York?—*R.* Je refuse de répondre à cette question, parce qu'elle est inconvenante, impertinente, indécente, sale, et indigne d'un avocat, et si j'avais plus d'épithètes dans ma bouche je les soumettrais encore dans ma réponse.

Le Conseil de la poursuite, M. Pominville, déclare n'avoir pas d'autre question à poser au témoin, et cet examen est clos. Et le déposant a signé, lecture faite.

(Signé) EMILE B. MOREL.

Prise et reconnue par-devant moi à Montréal, ce 22me jour d'Août, 1866.

(Signé) W. H. Brehaut, P.M.

No. 3.

No. 3.

Copy of a DESPATCH from Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 173.) Quebec, October 25, 1866.

My Lord, (Received November 7, 1866.)

REFERRING to my despatches No. 155* of the 6th October, and No. 164,† of the 18th October, I have the honour to transmit, for your Lordship's information, three extracts from the "Montreal Herald" of September 25th, October the 18th, and October the 22nd, containing reports of what took place on those days in the Court of Queen's Bench at Montreal, respecting the necessity for notice in applications for the writ of *habeas corpus*.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) MONCK.

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* Page 1. † Page 12.

Inclosure in No. 3.

Inclosure in No. 3

Extracts from the "Montreal Herald."

The Lamirande Case—Court of Queen's Bench.

THIS morning (September 25), before the Judge (Mr. Justice Drummond) took his seat, the Court was crowded with professional men and others, attracted by the expectation of a lively discussion respecting the Lamirande case.

Mr. Doutre, Q.C., said there was a reference in the charge to the Grand Jury in the Lamirande case. All the difficulty in this case had arisen from the practice of requiring twenty-four hours' notice in an application for writ of *habeas corpus*. In order to show the working of that rule and the necessity for its abrogation, he would communicate to the Court documents which would make it manifest that as long as that rule existed there was no human means of protecting the liberty of a person claimed under extradition Treaties. While the proceedings were going on before the Police Magistrate it was easily seen that, law or no law, Lamirande would be committed for extradition. In these circumstances and in view of the present rule, it was felt that there would be a surprise attempted, and to guard against this a petition was presented to his Excellency pointing out the facts of the case, and an acknowledgment was received stating that the petition had been referred to the Attorney-General East's department. To confine himself to written documents and not referring to what took place at Ottawa, he would read the following report:—

"On the 29th of August, 1866, the undersigned, Joseph Doutre, Q.C., and C. L. Spilthorn, attorney and counsellor at law, had the honour of meeting his Excellency the Governor-General of Canada, &c., at Quebec, in relation to the extradition of Ernest Sureau Lamirande, claimed by France as a fugitive criminal.

"In that interview his Excellency acknowledged that Mr. Spilthorn, one of the undersigned, having presented a petition from the said Lamirande to his Excellency about the 17th of August, 1866, in Ottawa, praying his Excellency that in case he (Lamirande) should be committed for extradition by the Police Magistrate then investigating the matter, he (Lamirande) should be allowed the necessary time to submit his case to higher tribunals for examination under a writ of *habeas corpus*. His Excellency had then and there told Mr. Spilthorn that ample time would be allowed to Lamirande for the purpose of submitting his case as mentioned in the said petition.

(Signed) "Joseph Doutre.
"Montreal, September 11, 1866." "C. L. Spilthorn.

To this the following acknowledgment was received:—

"Sir, "Quebec, September 12, 1866.

"I have the honour to inform you that I have laid the paper which you inclosed to me in your letter of the 11th instant before the Governor-General, and I am to acquaint you that it is therein correctly stated that his Excellency told Mr. Spilthorn that ample time would be allowed to Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition.

(Signed) "Denis Godley, Governor's Secretary."

His Honour said he had seen this official acknowledgment before bringing it as a fact before the Grand Jury.

Mr. Doutre said he presumed the reference in the charge was founded on that document. It was, however, matter of notoriety that notwithstanding all these precautions Lamirande was carried off. The facts connected with this case would have to come before this or some other tribunal. He had asked his Excellency's permission to lay the whole of the documents before the public, so that it might be seen what influence had been brought to bear to induce his Excellency to sign the warrant on the morning after the decision had been come to by the Police Magistrate. His Excellency, however, had himself expressed a desire that they should not be published, so that he felt relieved from the necessity of explaining how the warrant of extradition had been signed so hurriedly, notwithstanding the solemn promise of the Governor-General. In the case of persons remaining in gaol no prejudice could arise from the twenty-four hours' rule, but in this case it was very different. He had prepared a petition to abrogate this rule, which was in substance

that the case of Lamirande, forming part of the record of this Court, had shown that the notice of twenty-four hours for a writ of *habeas corpus* had been subversive of the effects of that writ in matters of extradition, and prayed that the rule should be abrogated for the future in cases of this kind.

Mr. Ramsay said that notice ought to be given before anything be done, so that the Attorney-General might take cognizance of it. It was a petition proposing a change of the whole practice of the Court, which had existed for years. It proposed to shorten the time which existed even in England, and the time here is not twenty-four hours, but one day. It would be better that the practice of giving no notice be adopted, and let the writ issue at once on application.

His Honour said that this was an error, and that a very serious mistake was committed on this point. The writ of *habeas corpus* was a writ of right, but did not issue as a matter of course. Most unjustifiable attacks had been made upon a Judge of this Court because he had not issued a writ of *habeas corpus*. The Judges took the law from the books, and not from scribblers in the newspapers. The opinion of Chief Justice Wilmot was worth more than that of men who had pronounced an opinion without having seriously studied the question. Of course the change would not be made without due consideration. There was much to be said on both sides, but care ought to be taken that no opportunity should be afforded of entrapping and carrying off men under plea of a legal difficulty. The petition would be considered, but he did not contemplate that there would be any change in the rule, except after due consideration by all the Judges of the Court.

From the "Montreal Herald" of October 18, 1866.

Presiding:—Mr. Justice Drummond.

Practice in Habeas Corpus.

HIS Honour said that, seeing Mr. Doutre in Court, he wished to inform him that they all appeared to have been under a mistake regarding this matter, the petition stating that there was a rule of practice which he wished altered. There was, he found, no rule of practice in issuing these writs. After consultation with his colleagues, he would now say, that while there was no rule, yet that the Judges would follow the course hitherto pursued unless where a case was shown requiring haste, in which case the writ would at once issue, due notice being given to the Attorney-General as usual before any decision would be given.

Mr. Doutre said he had stated there was a practice which had the force of a rule. He would wish to be heard before any decision on the petition was given.

Mr. Ramsay said, we do not care about notice before the issue of the writ. He had always advocated the issuing of the writ immediate. There was a financial reason for the Crown desiring this.

Court of Queen's Bench.—September Term.

Present:—Their Honours Justices Drummond, Badgley, and Mondelet.

October 20, 1866.

Practice in Habeas Corpus.

MR. DOUTRE, Q.C., applied to have a decision rendered on his petition to change the rule of proceeding in application for a writ of *habeas corpus*.

Their Honours severally stated that no rule existed on the subject further than that the writ might issue at once or notice be previously given in the discretion of the Judge before whom affidavits were laid. The practice of giving notice to the Crown had always been in existence, but whether the notice should be given before or after the issuing of the writ was in all cases matter for consideration. Each case must be judged by its merits. Mr. Doutre would therefore take nothing by his motion.

No. 4. No. 4.

Copy of a DESPATCH from Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 174.) Quebec, October 25, 1866.

My Lord, (Received November 7, 1866.)

I HAVE the honour to transmit to your Lordship a copy of a letter which I have received from Mr. Doutre, who was Counsel for Lamirande in the legal proceedings that have lately taken place, together with a copy of the reply which I caused to be returned to it. All the documents in Lamirande's case are easily accessible to Mr. Doutre, except the opinions and reports of the Law Officers of the Crown; and in declining to communicate to him those opinions and reports, I believe that I have followed the invariable practice under similar circumstances, both in England and in Canada.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

Inclosure 1 in No. 4. Inclo. 1 in No. 4.

Mr. Doutre to Viscount Monck.

My Lord, Montreal, October 24, 1866.

SINCE my letter of the 22nd instant, I have received through my agents in London an official notice of the request made to your Excellency by the Secretary of State for the Colonies, concerning the Lamirande extradition case. The absence of my client imposes upon me the duty of adopting measures of protection both in England and France; and I feel that I am quite inadequate to the discharge of that duty if I do not procure copies of the official documents which are sent or about to be sent to the Secretary of State for the Colonies. It will be obvious to your Excellency that I have no idea of asking copies of any remarks, reports, or communications from your Excellency to the Secretary of State; but I humbly submit that it would be an act of justice to my client to let me have copies of the other documents sent to England, in compliance with the request of the Secretary of State for the Colonies.

I have, &c.

To his Excellency the Governor of Canada, (Signed) J. DOUTRE.
Quebec.

Inclosure 2 in No. 4. Inclo. 2 in No. 4.

Mr. Godley to Mr. Doutre.

Sir, Quebec, October 25, 1866.

I AM directed by the Governor-General to acknowledge the receipt of your letter of yesterday's date, and in reply I am to inform you that his Excellency is quite prepared to forward to the Secretary of State for the Colonies any statement which you may desire to place before him.

The documents in the case of Lamirande, which are records of the Court, can be obtained by you without any intervention, but the Governor-General must decline to give copies of any opinion given to his Excellency, or reports made by the Law Officers of the Crown.

I have, &c.

J. Doutre, Esq., Q.C., (Signed) DENIS GODLEY.
Montreal.

No. 5.

No. 5.

Copy of a DESPATCH from Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 175.) Quebec, October 25, 1866.

My Lord, (Received November 7, 1866.)

I HAVE the honour to transmit herewith, at the request of Mr. Doutre, a letter which he has addressed to your Lordship, mentioning the documents which he believes are necessary to be laid before you, in order to enable you to form a correct opinion on the whole of Lamirande's case. All the papers marked in Mr. Doutre's letter with an asterisk, have already been sent to your Lordship in triplicate, and I now enclose, also in triplicate, copies of the other documents to which Mr. Doutre refers. The affidavits alluded to in the French Consul-General's application for Lamirande's extradition, which application is termed by Mr. Doutre a Requisition from the French Government, and marked 1 in his letter, will be sent to your Lordship by the next mail.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) MONCK.

Inclosure in No. 5.

Inclosure in No. 5.

Mr. Doutre to the Earl of Carnarvon.

My Lord, Montreal, October 22, 1866.

HAVING heard that our Colonial Authorities had been requested to transmit to the Colonial Office in England copies of papers connected with the Lamirande's extradition case, I beg leave to inform your Lordship that the record of the case to be complete, should include the following documents:—

1. Requisition from the French Government to his Excellency the Governor-General, for the extradition of Lamirande. Page 67.

2. Warrant of his Excellency, dated 26th July, 1866. Page 68.

3. Warrant of Police Magistrate, William H. Bréhaut, Esq., in obedience to the Governor-General's warrant. Page 69.

4. Petition of Felix Gastier, arrested under the name of Ernest Sureau Lamirande, to his Excellency the Governor-General, dated 3rd August, 1866. Page 70.

5. Letter of Denis Godley, Esq., under date 4th August, 1866, acknowledging the receipt of Petition No. 4 above. Page 70.

*6. Complaint of E. J. Melin, before Police Magistrate. Page 38.

*7. Deposition and cross-examination of the same Melin before the same. Page 39.

*8. Deposition and cross-examination of Abel F. Gautier before the same. Page 47.

*9. Deposition and cross-examination of Frédéric Coudert, before the same. Page 44.

*10. Deposition and cross-examination of Louis Léonce Coudert, before the same. Page 46.

*11. Deposition of Dubois de Jancigny, made in France. Page 34.

*12. Translation of a pretended *arrêt de renvoi*, issued out. Page 30.

*13. *Procès-verbal de saisie de pièce à conviction*, made in France. Page 37.

*14. Petition of E. S. Lamirande to his Excellency the Governor-General, dated 15th August, 1866. Page 70.

*15. Letter of H. Cotton, Esq., from the Governor-General Secretary's Office, acknowledging the receipt of petition No. 14 above. Page 72.

16. Deposition and cross-examination of C. L. Spilthorn, before the said Police Magistrate. Page 52.

17. Deposition and cross-examination of E. B. Morel, before the same. Page 59.

18. Voluntary examination of the prisoner. Page 60.

19. *Demande d'élargissement* "of release" by prisoner, 15th August, 1866. Page 71.

20. Commitment of E. S. Lamirande for extradition, by Police Magistrate, dated 22nd August, 1866. Page 72.

21. Petition of E. S. Lamirande for *habeas corpus*, dated 23rd August, 1866, with notice to T. K. Ramsay, Esq., of presentation, on the 24th August, 1866. Page 73.

22. Writ of *habeas corpus*, and return of the gaoler, 25th August, 1866. Page 75.

23. Warrant of extradition of his Excellency the Governor-General, dated 23rd August 1866 Page 76.

24. Affidavit of J. Doutre, before Judge Drummond, 24th August, 1866. Page 77.

25. Order left at the Montreal Gaol by the Honourable L. T. Drummond, one of the Judges of the Court of Queen's Bench, the 24th August, 1866. Page 77.

26. Warrant of Surrender by Deputy-Sheriff Sauborn, to the Gaoler, founded on his Excellency's Warrant of 23rd August, 1866, dated 24th August, 1866. Page 77.

27. Judgment of the Honourable L. T. Drummond, Judge of the Court of Queen's Bench, on the above petition for *habeas corpus*. Page 78.

28. Telegram from J. Doutre to his Excellency, from Montreal to Quebec, dated 30th August, 1866. Page 80.

29. Second telegram from the same to the same, 30th August, 1866. Page 81.

30. Third telegram from the same to the same, 30th August, 1866. Page 81.

31. Telegram from Denis Godley, Esq., to J. Doutre, from Quebec to Montreal, 30th August, 1866. Page 81.

32. Joint report of Messrs. J. Doutre and C. L. Spilthorn, of their interviews with his Excellency on the 29th August, 1866, said report dated 30th August, 1866, and sent in duplicate to his Excellency on the 8th September, 1866, with a letter of the last date from J. Doutre to D. Godley, Esq. Page 81.

33. Letter from D. Godley, Esq., acknowledging receipt of said report and letter No. 32 above. Page 84.

34. Second report of Messrs. J. Doutre and C. L. Spilthorn, of their interviews with his Excellency, dated 11th September, 1866, sent in duplicata to his Excellency, with letter from J. Doutre to D. Godley, dated 11th September, 1866. Page 84.

35. Letter from D. Godley to J. Doutre, acknowledging receipt of report and letter No. 34 above. Page 85.

36. Letter from J. Doutre to D. Godley, of the 13th September, 1866. Page 85.

37. Charge of L. T. Drummond, Judge of the Court of Queen's Bench, at the opening of the September term of the Court of Queen's Bench (Crown side), to the Grand Jury. Page 86.

38. Presentment of the Grand Jury to the same Court, on the 10th October, 1866, with papers accompanying said presentment. Page 88.

39. Motion of E. S. Lamirande by J. Doutre, his Counsel, to obtain copies of papers accompanying said presentment, with affidavit of J. Doutre, in support of that motion. Page 90.

I do not mention in the above list the petition of G. S. Cherrier, Esq.,* and others, to Her Majesty, and the papers accompanying it, as I suppose they have reached your Lordship in due time.

I have, &c.
(Signed) JOSEPH DOUTRE.

Lord Carnarvon, Secretary of State for
the Colonies, London.

No. 1.—Requisition from the French Government for the Extradition of Lamirande.

Monsieur, Quebec, le 18 Juillet, 1866.

J'AI l'honneur de vous adresser ci-inclus un affidavit fait par-devant M. le Juge Taschereau, de la Cour Supérieure à Québec, par le Sieur Edme Justin Melin, Inspecteur Principal de Police à Paris, à l'effet d'obtenir l'arrestation et l'extradition ensuite du nommé Ernest Sureau Lamirande, Caissier de la Succursale de la Banque de France à Poitiers, Département de la Haute-Vienne, Empire Français, lequel s'est rendu coupable non-seulement d'un vol de 700,000 francs au préjudice de cette Succursale de la Banque de France à Poitiers, mais aussi du crime de faux en écriture en falsifiant ses livres et son bordereau de situation, et faisant ainsi figurer comme présente dans sa caisse la somme volée de 700,000 francs, crime prévu par les dispositions du Traité d'Extradition conclu entre la France et Angleterre en Février 1843, dont je transcris ici une partie:

"By a Convention between Her Majesty the Queen of Great Britain and Ireland and the then Sovereign of France, signed at London on the 13th February, 1843, the ratifications whereof were exchanged at London on the 13th day of March in the same year, it was agreed that the High Contracting Parties should, on requisition made in their name through the medium of their respective Agents, deliver up to justice persons who being accused of the crimes of murder, forgery, or fraudulent bankruptcy, committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other."

* Printed at page 3.

"In order to carry the Convention into effect, the British Parliament, on the 22nd August, 1843, passed the Act 6 and 7 Vict., cap. 75, in which, after reciting the Convention, it is enacted that in case requisition be made pursuant to the Convention to deliver up to justice any person who being accused of having committed, after the ratification of the Convention, any of the above crimes within the territories and jurisdiction of His Majesty the Emperor of the French, shall be found within the dominions of Her Majesty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the officer administering the Government of any such Colony or Possession, by warrant under his hand and seal to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the persons so accused and committing such persons to gaol for the purpose of being delivered up to justice according to the provisions of the said Convention."

"It shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the officer administering the Government of any such Colony or Possession, by warrant, &c., to deliver up offenders to the authorities of France."

Je prends donc la liberté, M. le Secrétaire Provincial, de vous prier de vouloir bien requérir de son Excellence M. le Gouverneur-Général, en vertu des pouvoirs que lui confère la susdite Convention, le warrant nécessaire pour arrêter et extrader ensuite le susnommé Ernest Sureau Lamirande.

Je vous serai obligé de me faire parvenir ce warrant le plus tôt possible.

Je crois utile de joindre ici le mandat d'arrêt émané du tribunal civil de Poitiers, et dûment légalisé par le Consul de Sa Majesté Britannique à Paris. Veuillez, je vous prie, me renvoyer cette pièce avec le warrant du Governeur-Général.

Je saisis, &c.

Le Consul-Général de France,

A l'Hon. William Mac Dougall, (Signé) FRED. GAUTIER.
Secrétaire Provincial.

No. 2.—Warrant by the Governor-General.

Province of Canada.

(Seal.)

BY his Excellency the Right Honourable Charles Stanley Viscount Monck, Baron Monck, of Ballytrammon, in the county of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c.

To all and singular the Justices of the Peace and other Magistrates and Officers of Justice within their several jurisdictions in the Province of Canada, greeting :—

Whereas one Earnest Sureau Lamirande, late of Poitiers, in the French Empire, stands accused of the crime of forgery, by having, in his capacity of cashier of the branch of the Bank of France at Poitiers, made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of 700,000 francs; and whereas a requisition has been made to me by the Consul-General of France in the Provinces of British North America, pursuant to the terms of a Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of France, signed at London on the 13th day of February, in the year of our Lord 1843, to issue my warrant for the apprehension of the said Ernest Sureau Lamirande.

Now know ye, that I, Charles Stanley Viscount Monck, being Governor-General of the said Province of Canada, under the authority in me vested by the provisions of the statute passed by the Legislature of the United Kingdom of Great Britain and Ireland, in the session thereof held in the sixth and seventh years of Her Majesty's reign, intituled "An Act for giving effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders," do by this my warrant require you, and each of you, the Justices of the Peace and Magistrates and officers of ustice within your several jurisdictions in the said

Province of Canada to aid in apprehending the said Ernest Sureau Lamirande so accused and committing him to any one of the gaols within the said Province of Canada, for the purpose of being delivered up to justice, according to the provisions of the said Convention.

Given under my hand and seal at arms at Ottawa, this 26th day of July, in the year of our Lord 1866, and in the thirtieth year of Her Majesty's reign.

(Signed) MONCK.

By command,
(Signed) E. PARENT, Assistant Secretary.

No. 3.—WARRANT of POLICE MAGISTRATE.

Police Office.

Province of Canada, District of Montreal,
City of Montreal.

To all or any of the Constables or other Peace Officers in the District of Montreal.

WHEREAS Ernest Sureau Lamirande, late of Poitiers, in the French Empire, now present in the city of Montreal, hath this day been charged upon oath before the undersigned William H. Brehaut, Esq., Police Magistrate in and for the district of Montreal, with the crime of forgery, by having, in his capacity of cashier of the branch of the Bank of France at Poitiers, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs; and whereas a requisition has been made to his Excellency the Governor-General of this province by the Consul-General of France in the Provinces of British North America, pursuant to the terms of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, signed at London, on the 13th day of February, in the year of our Lord 1843, and the Acts of the Parliament of the United Kingdom of Great Britain and Ireland passed to give effect to the said Convention, to issue his warrant for the apprehension of the said Ernest Sureau Lamirande, accused of having committed the crime aforesaid after the ratification of the said Convention; and whereas, in compliance with the said requisition, his Excellency the Governor-General has, by warrant under his hand and seal, bearing date at Ottawa, in the said province, the 26th day of July, in the year of our Lord 1866, required each and every the Justices of the Peace and other Magistrates and officers of justice within their several jurisdictions in the said Province of Canada, to aid in apprehending and committing him, the said Ernest Sureau Lamirande, to any one of the gaols within the said Province of Canada, for the purpose of being delivered up to justice according to the provisions of the said Convention and the Acts to give effect thereto.

These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said Ernest Sureau Lamirande, and to bring him before me, or some other of Her Majesty's Justices of the Peace in and for the said district, to answer unto the said charge, and to be dealt with according to law.

Given under my hand and seal at the said Police Office, at Montreal, in the said district, this 6th day of August, in the year of our Lord, 1866.

(Signed) W. H. BREHAUT, P. M.

I, the undersigned Nazaire Caron, Constable, duly appointed in and for the district of Montreal, do hereby return, under my oath of office, that on the 7th day of August, 1866, in obedience to the within warrant to me delivered, I did, at the city of Montreal, in the district of Montreal, apprehend the within-named Ernest Sureau Lamirande, and brought him before William Henry Brehaut, Esq., Police Magistrate in and for the district of Montreal, from whence he was committed to gaol for further examination.

Montreal, August 7, 1866.

(Signed) N. CARON, Constable.

No. 4.—Petition of Felix Gastier.

Province of Canada, District of Montreal.

To the Right Honourable Charles Stanley, Viscount Monck, Baron Monck of Ballytrammon, in the county of Wexford. Governor-General of British North America, &c., &c., and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c.

The Petition of Félix Gastier, arrested under the name of Ernest S. Lamirande, now detained in the common jail of the District of Montreal.

Respectfully represents,

THAT on Wednesday the 1st August instant your petitioner was arrested at La Prairie by the police of Montreal without any written warrant, at the request, it is said, of some representatives of the French Government, as the petitioner has been informed, upon the charge of embezzling money belonging to the Bank of France, where the said pretended Lamirande was cashier, and the petitioner also understands that the said representatives of the French Government are about to apply for a writ of extradition in order to have him the petitioner sent back to France.

That as the offence styled "embezzlement," with which the said petitioner is charged, is not mentioned in the Treaty between England and France, if any such Treaty is still in force, and does yet exist between the two countries, and as therefore it is impossible for them to obtain his extradition, they have resolved upon employing subornation, force and violence, unlawfully and without any right to kidnap the petitioner, and without any authority to send him to the United States or France. The petitioner has come to that conclusion from the fact that the police officers who arrested the petitioner have been offered several thousand dollars if they would kidnap him, and bring him to the United States, which the said police officers in the full sense of their duty sternly refused to do; and also from the fact that the parties directing the prosecution against the petitioner, have boasted that they would have the petitioner any how, whether lawfully or unlawfully, that they were bound to have him, and that they would have him, no matter by what means.

Upon such a state of facts the petitioner, knowing how jealous your Excellency is of the honour of England, here appeals to your Excellency in order that in this case due precautions be ordered to be taken, so that no unlawful act be committed, and that the law be strictly observed and impartially administered.

And your petitioner as in duty bound will ever pray.

Montreal, August 3, 1866.

For the Petitioner,
(Signed) DOUTRE AND DOUTRE, Attorneys

No. 5.—Mr. Godley to Mr. Doutre.

Sir, Ottawa, August 4, 1866.

I AM directed by the Governor-General to acknowledge the receipt of the petition, dated the 3rd of August, of Felix Gastier, arrested under the name of Lamirande, and now detained in the gaol of the District of Montreal.

I have, &c.
(Signed) DENIS GODLEY, Governor's Secretary.

Joseph Doutre, Esq.,
&c., &c., &c., Montreal.

[Nos. 6 to 13, inclusive, will be found printed as inclosures to Lord Monck's despatch No. 164 of the 18th of October, page 12.]

No. 14.—Petition of E. S. Lamirande for Release.

Province du Canada, District de Montreal.

A son Excellence le Très Honorable Charles Stanley, Vicomte Monck, Gouverneur-Général de l'Amérique Britannique du Nord, et Capitaine-Général et Gouverneur-en-Chef des Provinces du Canada, Nouveau Brunswick, Nouvelle Ecosse et l'Ile du Prince Edouard, &c., &c.

La requête d'Ernest Sureau Lamirande, actuellement détenu dans la prison commune du district de Montréal,

Expose respectueusement,

QUE votre requérant est détenu dans la dite prison depuis le 1er du courant, en vertu d'un ordre émané sous la signature de W. H. Bréhaut, Ecuyer, Magistrat de Police, dans lequel ordre il est mentionné que le dit Wm. H. Bréhaut, Ecuyer, a émané le dit ordre, pour se conformer à un warrant émané sous la signature de votre Excellence, auprès de laquelle il paraîtrait que l'extradition de votre requérant aurait été sollicitée par quelques personnes prétendant agir au nom du Gouvernement de l'Empereur des Français, sous prétexte que votre requérant aurait commis en France le crime de faux.

Qu'entr'autres raisons dont l'énumération serait ici superflue, votre requérant ne peut être extradé :—

1. Parce que le Traité signé à Londres le 13 Février, 1843, entre l'Angleterre et la France, avait cessé d'exister dès le 4 de Juin dernier, longtemps avant l'arrestation de votre requérant, attendu que conformément à une disposition du dit Traité le Gouvernement Français a notifié au Gouvernement Anglais son désir d'y mettre fin, six mois avant le dit jour 4 Juin dernier.

2. Parce qu'il a été prouvé devant le dit W. H. Bréhaut, Ecuyer, que la seule personne qui ait sollicité et demandé l'extradition du prisonnier est M. Abel Frédéric Gautier, Consul-Général de France, résidant à Quebec, qui, de son propre aveu, ne possède aucun caractère et n'exerce aucune des fonctions d'Agent Diplomatique du Gouvernement Français, et que, d'après le dit Traité, l'extradition du requérant ne pouvait être demandée que par un Agent Diplomatique du Gouvernement de l'Empereur des Français.

3. Parce que d'après la section 3 de la loi passée par le Parlement Impérial (6 & 7 Victoria, cap. 75), pour organiser l'exécution du dit Traité, aucun juge de paix ou magistrat ne pouvait, nonobstant l'émanation du warrant de votre Excellence, ordonner l'appréhension de votre requérant, sans qu'il fût prouvé devant lui, sous serment, que la partie qui poursuivait l'extradition de votre requérant était porteur d'un mandat d'arrêt ou autre document judiciaire équivalent émané d'un juge ou d'une autorité compétente en France, authentiqué de telle manière que ce mandat d'arrêt ou document équivalent pût justifier l'arrestation du requérant, s'il était en France, et que votre requérant a été appréhendé et est encore détenu sans qu'aucun tel mandat d'arrêt ou document judiciaire équivalent ait jamais été en la possession de la partie requérant la dite extradition.

4. Parce que par la même loi (6 and 7 Victoria, cap. 75) il est de plus stipulé que pour que l'extradition soit ordonnée, le crime dont votre requérant est accusé soit clairement défini dans un mandat d'arrêt ou autre document judiciaire équivalent, émané de France, et que n'y ayant aucun tel mandat d'arrêt soumis au dit W. H. Bréhaut, Ecuyer, ce dernier ne peut juger du caractère de l'offense dont le prisonnier est accusé.

5. Parce qu'il est statué par la même loi que pour justifier le Juge de Paix ou Magistrat d'ordonner la détention (to commit) de votre requérant, il devra être fait devant lui une preuve suffisante pour justifier l'arrestation et la détention (apprehension and committal) de votre requérant s'il eût commis le crime dont il est accusé dans les limites des domaines de Sa Majesté le Souverain de la Grande Bretagne ; qu'outre les moyens ordinaires de preuve résultant de la déposition de témoins qui connaîtraient personnellement les faits, la dite loi admet comme preuve les dépositions qui seraient faites en France et certifiées par le juge de qui serait émané le mandat de France pour arrêter le prévenu, et votre requérant met en fait qu'aucun témoin connaissant personnellement les faits n'a été entendu devant le dit W. H. Bréhaut et qu'aucune déposition assermentée et certifiée, tel que l'exige la dite loi, n'a été soumise au dit W. H. Bréhaut, Ecuyer.

6. Parce qu'en supposant que la procédure et les formalités exigées par le dit statut auraient été suivies et remplies, ce que votre requérant nie, il ne peut ressortir des faits irrégulièrement dévoilés devant le dit W. H. Brehaut, aucune accusation

de faux, soit selon les lois de France, soit selon celles de la Grande Bretagne, soit selon celles du Canada.

7. Parce que ceux qui sollicitent l'extradition de votre requérant ne pouvant faire loyalement usage du Traité susmentionné pour ramener votre requérant en France, attendu qu'il ne couvre pas l'offense que votre requérant aurait commise si les faits de l'accusation étaient vrais, ils tentent de faire un usage abusif et déloyal du dit Traité, en donnant ou essayant à donner aux faits reprochés à votre requérant la couleur d'un faux, tandis que tous ces faits ne pourraient constituer que l'offense désignée, en ce pays, sous le nom d'embezzlement.

8. Parce que les tentatives d'abuser ainsi des Conventions internationales et spécialement du Traité en question ont invariablement été condamnées et déjouées par les plus hautes autorités judiciaires de la Grande Bretagne, ainsi que le témoigne une décision récemment rendue en Angleterre par son honneur le Juge-en-Chef Cockburn, assisté de deux autres juges de son tribunal, *in re* Windsor (10, part ii, Cox's Criminal Cases, p. 118).

9. Parce que nonobstant tout ce qui précède, votre requérant a raison de croire que non-seulement la détention (committal) de votre requérant sera arbitrairement ordonnée, en violation de la loi, mais que des efforts seront faits pour surprendre la religion et bonne foi de votre Excellence pour obtenir un ordre d'extradition, avec une telle précipitation que votre requérant serait privé de l'occasion de soumettre sa cause à l'examen d'un tribunal supérieur au moyen d'un bref de *habeas corpus*.

A ces causes, votre requérant supplie votre Excellence de prendre les faits qui précèdent en votre sérieuse considération dans le cas où l'ordre de détention (committal) serait notifié à votre Excellence, dans le but d'obtenir de votre Excellence l'ordre de livrer (surrender) votre requérant au Gouvernement Français, et dans ce cas votre requérant supplie qu'il plaise à votre Excellence donner le temps et l'opportunité de soumettre les faits et le droit de sa cause à un juge ou tribunal compétent à juger de l'instance d'une manière satisfaisante, tant pour la dignité du Gouvernement de Sa Majesté la Reine de la Grande Bretagne et de cette colonie, que pour les intérêts de votre requérant.

Et votre requérant ne cessera de prier.

Montreal, 15 Août, 1866.

(Signé) DOUTRE AND DAOUST,
Avocats du Requérant.

No. 15.—Mr. H. Cotton to Messrs. Doutre and Daoust.

Governor-General Secretary's Office,
Ottawa, August 17, 1866.

Sir,

I AM directed by his Excellency the Governor-General to acknowledge the receipt of the Petition of Ernest Sureau Lamirande, 15th August, and to inform you that it has been transferred to the Attorney-General for Lower Canada.

(Signed) H. COTTON,
For the Governor's Secretary.

Messrs. Doutre and Daoust, Montreal.

[Nos. 16 to 19, inclusive, will be found printed as inclosures to Lord Monck's despatch No. 164 of the 18th of October, 1866, page 12.]

No. 20.—Commitment of E. S. Lamirande.

Police Office.

Province of Canada, District of Montreal,
City of Montreal.

TO all or any of the constables or other peace officers in the said district of Montreal, and to the keeper of the common gaol at the said city of Montreal, in the said district of Montreal.

Whereas Ernest Sureau Lamirande, late of Poitiers, in the French Empire, now present in the city of Montreal, in the district of Montreal aforesaid, was this day charged before me, William H. Brehaut, Esquire, Police Magistrate in and for the district of Montreal, on the oath of Edme Justin Melin and others, with the crime of forgery, by having in his capacity of cashier of the branch of the Bank of France at Poitiers, on the 12th day of March, 1866, made false entries in the

book of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs.

And whereas a requisition has been made to his Excellency the Governor-General of this province by the Consul-General of France in the Provinces of British North America, pursuant to the terms of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, signed at London on the 13th day of February, in the year of Our Lord 1843, and the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed to give effect to the said Convention, to issue his warrant for the apprehension of the said Ernest Sureau Lamirande, accused of having committed the crime aforesaid after the ratification of the said Convention.

And whereas, in compliance with the said requisition, his Excellency the Governor-General has, by warrant under his hand and seal, bearing date at Ottawa, in the said province, the 26th day of July, in the year of Our Lord 1866, required each and every the Justices of the Peace and other Magistrates and officers of justice within their several jurisdictions in the said Province of Canada, to aid in apprehending and committing him the said Ernest Sureau Lamirande to any one of the gaols within the said Province of Canada, for the purpose of being delivered up to justice, according to the provisions of the said Convention and the Acts to give effect thereto.

And whereas it appears to the said Police Magistrate that the acts charged against the supposed offender are clearly set forth in a warrant of arrest or other equivalent judicial document issued by a competent Magistrate in France; and whereas divers persons have been examined upon oath before me touching the truth of the said charge; and whereas copy of a deposition taken in France touching the said charge duly authenticated has been produced and filed before me; and whereas such evidence would be, according to the laws of Canada, sufficient to justify the apprehension and committal of the said Ernest Sureau Lamirande, if the offence of which he is accused had been committed in Canada; and whereas the said Ernest Sureau Lamirande by himself and his Counsel has had full opportunity to cross-examine the said witnesses, and to adduce such evidence as he deemed advisable in his own defence.

And whereas the said Ernest Sureau Lamirande has not shown any good cause why he should not be committed for extradition according to the requirements of the said Convention and the laws passed to give effect thereto.

These are therefore to command you, the said constables or peace officers, or any of you, to take the said Ernest Sureau Lamirande, and him safely convey to the common gaol, at the city of Montreal aforesaid, and there deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said Ernest Sureau Lamirande into your custody in the said common gaol, and there safely to keep him until he is delivered pursuant to the requisition aforesaid or by process of law.

Given under my hand and seal the 22nd day of August, in the year of Our Lord 1866, at the said city of Montreal, in the district aforesaid.

(Signed) W. H. BREHAUT, P.M.

No. 21.—Petition of E. S. Lamirande for Habeas Corpus.

Province du Canada, District de Montreal.

AUX honorables Juges de la Cour du Banc de la Reine siégeant dans le district de Montréal.

La requête d'Ernest Sureau Lamirande, actuellement détenu dans la prison commune du district du Montréal.

Expose respectueusement:

Que votre requérant est actuellement détenu dans la prison commune de ce district, en vertu de l'ordre de William H. Bréhaut, Ecuyer, Magistrat de Police, duquel ordre copie est ci-jointe et dans lequel il appert que votre requérant est détenu sur la demande qui a été faite de son extradition sous prétexte que votre requérant aurait commis en France le crime de faux.

Que la détention de votre requérant est illégale et arbitraire pour entr'autres raisons les suivantes:—

1. Parce que le Traité passé le 13 Février, 1843, entre les Gouvernements de France et Angleterre, et mis à exécution par l'Acte Impérial 6 et 7 Victoria,

chap. 75. a cessé d'exister le 4 Juin dernier, en conséquence de la signification faite par le Gouvernement Français au Gouvernement Anglais de son désir d'y mettre fin, plus de six mois avant le dit jour (4 Juin dernier) ainsi que pourvu dans le dit Traité.

2. Parce qu'il est prouvé que l'extradition du requérant n'a été demandée par aucun Agent Diplomatique du Gouvernement Français.

3. Parce que le Magistrat qui a ordonné l'appréhension et la détention (committal) de votre requérant n'a reçu aucune preuve que ceux qui poursuivent l'extradition du requérant sont porteurs d'un mandat d'arrêt ou autre document judiciaire équivalent émané d'un Juge ou autorité compétente de France.

4. Parce qu'en supposant que ceux qui poursuivent l'extradition du prisonnier requérant soient porteurs d'un tel mandat d'arrêt ou document équivalent, tel mandat ou document n'est pas authentiqué de manière à justifier l'arrestation du requérant s'il était en France.

5. Parce qu'en supposant que tel warrant ou mandat d'arrêt eut été prouvé être entre les mains de ceux qui poursuivent l'extradition du prisonnier et qu'il fut authentiqué de manière à justifier l'arrestation du requérant en France, la détention du requérant en vue de son extradition ne peut être légalement ordonnée, à moins qu'il ne soit fait devant le Magistrat ou Juge de Paix ordonnant telle détention, une preuve suffisante pour justifier l'appréhension et la détention ou emprisonnement du requérant, pour subir son procès, si le crime dont il est accusé avait été commis en Canada, et qu'aucune telle preuve n'a été faite.

6. Parce qu'en l'absence de preuve faite par des témoins qui connaîtraient personnellement les faits, la dite loi (6 et 7 Vict., chap. 75) autorise de recevoir en preuve les dépositions ou copies des dépositions prises en France, si elles sont certifiées par le Juge qui a émané le mandat d'arrêt en France, et si elles sont prouvées être de vraies copies par la personne que les produit, et qu'il n'a été produit aucun témoin connaissant personnellement les faits dont le requérant est accusé, non plus qu'aucune déposition certifiée par le Juge qui aurait émané tel mandat d'arrêt, si tel mandat existe, ce que nie le requérant, ni certifiée ou prouvée vraie copie par la personne produisant telle déposition.

7. Parce qu'en supposant que l'extradition de votre requérant eut été demandée par un Agent Diplomatique, et que toutes les formalités de la loi eussent été remplies, ce que nie votre requérant, les faits portés à la charge de votre requérant ne constitueraient pas, et ne peuvent constituer l'offense ou crime de faux, et que ces faits n'ont été qualifiés de faux que pour obtenir sous des prétextes simulés l'extradition du requérant, la loi de France, d'Angleterre et du Canada ne qualifiant en aucune manière les dits faits comme comportant un faux.

A ces causes votre requérant conclut à ce qu'il plaise à vos Honneurs, ou à l'un de vos Honneurs ordonner, qu'il émane sous l'autorité de vos Honneurs, ou de l'un de vos Honneurs, un writ d'*habeas corpus* enjoignant au geôlier de la prison commune de ce district de produire devant vous la personne de votre requérant, soit élargi et mis en liberté.

Et ferez justice.

Montréal, 23 Août, 1866

(Signé) JOSEPH DOUTRE,
Avocat du Requérant.

A T. K. Ramsay, Ecr., Représentant le Procureur-Général.

Monsieur,

Avis vous est donné que la requête ci-dessus sera présentée en Chambre à tels Juges de la dite Cour du Banc de la Reine qui se trouveront là et alors présents, le 24me jour d'Août courant, à 1 heure de l'après-midi, au Palais de Justice, à Montréal.

Montréal, 23 Août, 1866.

(Signé) JOSEPH DOUTRE,
Avocat du Requérant.

Let Her Majesty's most gracious writ of *habeas corpus* issue, returnable immediately, at the Judges' Chambers before me.

Judges' Chambers, Montreal, August 25, 1866.

(Signed) LEWIS T. DRUMMOND. J.Q.B.

I, the Undersigned, one of the sworn bailiffs of Her Majesty's Court of Queen's Bench for Lower Canada, appointed and acting in and for the district of Montreal,

do hereby, under my oath of office, certify and return that I did, on the 23rd day of August, 1866, between the hours of 11 and 12 of the clock in the forenoon, serve the within original *requête* and *avis* on T. K. Ramsay, Esquire, Représentant le Procureur-Général, by speaking to and leaving true and certified copies thereof with Alfred De Beaumont, Esquire, Deputy Clerk of the Crown, at the office of the Clerk of the Crown, in the Court-house of the City of Montreal, where the said T. K. Ramsay, Esquire, keeps his office for the purpose of the object of said requête.

Montreal, August 23, 1866.

(Signed) JOHN HOOLAHAN,
Bailiff, Queen's Bench.

No. 22.—Writ of Habeas Corpus.

Province of Canada, District of Montreal.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Keeper of our Common Gaol for the District of Montreal, or to his Deputy or Deputies, and to each of them, greeting:— (Seal of Court of Queen's Bench, Lower Canada.)

WE command you that you have before the Honourable Lewis Thomas Drummond, one of the Justices of our Court of Queen's Bench for Lower Canada, at his chambers in the court house in our city of Montreal, immediately after the receipt of this writ the body of Ernest Sureau Lamirande being committed and detained in our prison, under your custody (as it is said) together with the day and cause of the taking and detaining of the said Ernest Sureau Lamirande, by whatever name the said Ernest Sureau Lamirande be called in the same, to undergo and receive all and singular such things as our said justice shall then and there consider of him in that behalf, and that you have then and there this writ.

By virtue of chapter 95 of the Consolidated Statutes for Lower Canada, and *per statutum tricesimum primum Caroli Secundi Regis.*

(Signed) Lewis T. Drummond, J.Q.B. (Law Stamp.)

In witness whereof we have caused the seal of our Court of Queen's Bench for Lower Canada to be hereunto affixed at our city of Montreal, this 25th day of August, in the thirtieth year of our reign.

(Signed) C. E. SCHILLER,
D. E. Clerk of the Crown.

The Return to the within writ appears by the Schedule hereunto annexed.

Montreal Gaol, this 25th day of August, 1866.

(Signed) LOUIS PAGETTE, Gaoler.

Province of Canada, District of Montreal.

Honourable Lewis T. Drummond, one of Her Majesty's Judges of the Court of Queen's Bench.

In answer to the writ of Her Majesty the Queen of this 25th day of August, commanding me to bring before your honour the body of Ernest Sureau Lamirande.

I beg to state that the above-named prisoner was by me delivered over to Edme Justin Melin, Inspecteur Principal de Police of Paris, last night at twelve o'clock, by virtue of an order signed by M. H. Sanborn, Deputy-Sheriff, grounded on an instrument granted by his Excellency the Governor-General, which order is in the words following, viz.:—

"To Louis Pagette, Gaoler of the Common Gaol of the District of Montreal, greeting:—

"By virtue of an instrument granted by his Excellency the Governor-General to deliver Ernest Sureau Lamirande, now confined in the said common gaol, to such person or persons as may be authorized in the name and on the behalf of the French Empire, to receive the same, and addressed to the Sheriff of the said district of Montreal, under date of the 23rd of August instant.

"You are hereby commanded and required to deliver the said Ernest Sureau Lamirande to Edme Justin Melin, Inspecteur Principal de Police of Paris, as being so authorized to receive the same, taking his receipt.

"Provided always, that the said Ernest Sureau Lamirande be detained for no other cause, matter, or thing than the crime of forgery committed by him at Poitiers, in the said French Empire, as specified in the said instrument.

"Hereof fail not at your peril.

"Given at Montreal, this 24th day of August, in the year of our Lord 1866.

(Signed) T. BOUTHILLIER,
Sheriff.
M. H. SANBORN,
Deputy Sheriff.

(Signed) Louis Pagette, Gaoler.

No. 23.—Warrant of Extradition.

Province of Canada.

(Seal)

(Signed) Monck.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c.

To the Sheriff of the District of Montreal, in our province of Canada, greeting:—

WHEREAS Ernest Sureau Lamirande, late of Poitiers, in the French Empire, labourer, is now detained in the common gaol of our said district of Montreal, upon and by reason of a certain charge on oath, to wit, on a charge of having on the 12th day of March last, at Poitiers aforesaid, committed the crime of forgery by having, in his capacity of cashier of the branch of the Bank of France at Poitiers aforesaid, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs.

And whereas the said Ernest Sureau Lamirande, not being one of our subjects, but being an alien, has, since the commission of the said crime, come into this province from the said French Empire, and the said crime of which he is accused, having been committed in the said French Empire, it is fit and expedient the said Ernest Sureau Lamirande may be made amenable to the laws of the said French Empire for the crime aforesaid.

We therefore command you that the body of the said Ernest Sureau Lamirande under your custody as aforesaid, you deliver to such person or persons as may be authorized in the name and on behalf of the said French Empire, to receive the same; provided always, that the said Ernest Sureau Lamirande be detained under your custody aforesaid, for no cause, matter or thing other than the crime aforesaid. And this you are not to omit at your peril.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed, witness our right trusty and well-beloved cousin the Right Honourable Charles Stanley, Viscount Monck, Baron Monck of Ballytrammon, in the county of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., at Ottawa, this 23rd day of August, in the year of our Lord 1866, and in the thirtieth year of our reign.

By command,
(Signed) WM. McDOUGALL, Secretary.

Endorsed in the margin,

Recorded in the Office of the Registrar of the Province of Canada, this 23rd day of August, 1866, in lib. 15th of Pardons, &c., folio 212.

(Signed) GEO. H. LANE,
Deputy Registrar of the Province.

Endorsed on the back,

Received 24th August, 1866, and acted upon immediately.

(Signed) M. H. SANBORN,
Deputy Sheriff.

No. 24.—Affidavit of Mr. Doutre.

Dans l'affaire d'Ernest Sureau Lamirande, détenu pour Extradition.

Province du Canada, District de Montréal.

JOSEPH DOUTRE, Ecuyer, Avocat et Conseil de la Reine, étant assermenté, dépose et dit: Que dans le cours de la présente soirée, vers huit heures et demie, deux personnes sont venues trouver le déposant et l'ont informé que des faits qu'ils considéraient comme certains et consistant dans les préparatifs de départ de Justin Edme E. Melin, Officier de Police de Paris, et dans les déclarations de ce dernier, les avaient convaincus que le dit Ernest Sureau Lamirande allait être amené ce soir même par le dit J. E. Melin, par le chemin de fer du Grand Tronc, à Quebec, et de là sur le steamer en partance demain pour l'Europe; que l'élargissement du dit prisonnier est actuellement demandé aux Honorables Juges de la Cour du Banc de la Reine, sur divers motifs démontrant l'illégalité de la détention du dit prisonnier et que cette demande est pendante devant l'Honorable L. T. Drummond, l'un des dits honorables Juges; que si le dit prisonnier est enlevé en ce moment à la garde du geôlier de la prison de Montréal, le déposant est convaincu que c'est au moyen d'un procédé illégal et dans le but d'empêcher que justice soit rendue au dit prisonnier. En conséquence le déposant demande l'intervention des pouvoirs judiciaires pour empêcher que le dit prisonnier soit enlevé à la juridiction des juges saisis de cette affaire et a signé, lecture faite.

(Signé) JOSEPH DOUTRE.

Assermenté devant moi, à Montreal, le 24 Août, 1866.

(Signé) Lewis J. Drummond, J.B.R.

No. 25.—Order of Judge Drummond.

To the Gaoler of the City of Montreal.

I HEREBY require and order you to give no obedience to any warrant or order which may be given to you by any Justice of the Peace, or any other authority, to deliver up or release from custody the prisoner Ernest Sureau Lamirande, until I shall have given my decision upon the demand for a writ of *habeas corpus* now pending before me in relation to the above-named prisoner.

Montreal, August 24, 1866.

(Signed) LEWIS T. DRUMMOND, J.Q.B.

No. 26.—Warrant of Surrender by the Deputy Sheriff.

To Louis Pagette, Gaoler of the common gaol of the District of Montreal, greeting,

BY virtue of an instrument granted by his Excellency the Governor-General to deliver Ernest Sureau Lamirande, now confined in the said common gaol, to such person or persons as may be authorized in the name and on the behalf of the French Empire to receive the same, and addressed to the Sheriff of the said district of Montreal, under date of the 23rd day of August instant.

You are hereby commanded and required to deliver the said Ernest Sureau Lamirande to Edme Justin Melin, Inspecteur Principal de Police of Paris, as being so authorized to receive the same, taking his receipt, provided always that the said Ernest Sureau Lamirande be detained for no other cause, matter, or thing, than the crime of forgery committed by him at Poitiers, in the said French Empire, as specified in the said instrument; hereof fail not at your peril.

Given at Montreal, this 24th day of August, in the year of our Lord 1866.

(Signed) T. BOUTHILLIER,
Sheriff.

M. H. SANBORN,
Deputy Sheriff.

No. 27.—Judgment of Judge Drummond.

Province of Canada, District of Montreal.

In Chambers.—Friday, August 24, 1866.

Before the Hon. Mr. Justice Drummond.

In the matter of Ernest Sureau Lamirande for Writ of Habeas Corpus.

MR. DOUTRE, on behalf of Ernest Sureau Lamirande, presents a petition for Her Majesty's most gracious writ of *habeas corpus*, and is heard.

Mr. Ramsay on behalf of the Crown is heard.

This case is adjourned until the hour of eleven in the forenoon to-morrow.

Saturday, September 25, 1866.

Before the Hon. Mr. Justice Drummond.

In the matter of Ernest Sureau Lamirande.

On motion of Mr. Doutre, writ of *habeas corpus* issued, returnable in Chambers immediately.

At 3 o'clock P.M., Mr. Pagette, the gaoler, makes his return, which is received and filed. Mr. Schiller, Deputy-Clerk of the Crown, reads the writ of *habeas corpus* and return, likewise an order given to the keeper of the common gaol by the Honourable Mr. Justice Drummond, before the warrant of the Sheriff founded upon the last warrant of extradition had been served upon him, and before any knowledge thereof had been given to the judge.

This case stands until Monday, at the hour of eleven in the forenoon.

Monday, August 27, 1866.

Before the Hon. Mr. Justice Drummond.

In the matter of Ernest Sureau Lamirande.

This case stands adjourned until the hour of eleven in the forenoon to-morrow.

Tuesday, August 28, 1866.

Before the Hon. Mr. Justice Drummond.

In the matter of Ernest Sureau Lamirande.

The Honourable Mr. Justice Drummond pronounced the following judgment:—

On the 26th July last a document under the signature of his Excellency the Governor-General, purporting to be a warrant for the extradition of the petitioner, issued under the authority vested in his Excellency by the provisions of the statute passed by the Legislature of the United Kingdom of Great Britain and Ireland, in the sixth and seventh years of Her Majesty's reign, intituled, "An Act to give effect to a Convention between Her Majesty and the King of the French for the apprehension of certain offenders," setting forth that the said petitioner stood accused of the crime of "forgery, by having, in his capacity of cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs;" that a requisition had been made to his Excellency by the Consul-General of France in the Province of British North America, to issue his warrant for the apprehension of the said petitioner, and requiring all Justices of the Peace and other magistrates and officers of justice within their several jurisdictions, to aid in apprehending the petitioner, and committing him to gaol.

Under this document the prisoner was arrested, and after examination before William H. Brehaut, Esq., Police Magistrate and Justice of the Peace, was fully

committed to the common gaol of this district on the 22nd day of the current month of August.

On the following day, between the hours of 11 and 12 o'clock in the forenoon, notice was given in due form by the prisoner's counsel to the counsel charged with the criminal prosecutions in this district, that he (the said counsel for the prisoner) would present a petition to any one of the Judges of the Court of Queen's Bench who might be present in chambers at 1 o'clock in the afternoon of the following day (the 24th) praying for a writ of *habeas corpus* and the discharge of the prisoner.

At the time appointed this petition was submitted to me.

Mr. J. Doutre appeared for the petitioner, Mr. T. K. Ramsay for the Crown, and Mr. Pominville for the private prosecutor.

A preliminary objection, raised on the ground of insufficient notice, was overruled.

Mr. Doutre then set forth his client's case in a manner so lucid, that I soon convinced myself, after perusing the statute cited in warrant of extradition that the warrant itself, the pretended warrant of arrest alleged to have been issued in France,—*arrêt de renvoi*,—and all the proceedings taken with a view to obtain the extradition of the petitioner, were unauthorized by the above cited statute, illegal, null and void, and that the petitioner was therefore entitled to his discharge from imprisonment. But as Mr. Pominville, whom I supposed to be acting as counsel for the Bank of France, wished to be heard, I adjourned the discussion of the case until the following morning. I would have issued the writ before adjourning, had the counsel for the prisoner insisted upon it. But that gentleman was no doubt lulled into a sense of false security by the indignation displayed by the counsel for the Crown, when Mr. Doutre signified to me his apprehension that a *coup de main* was in contemplation to carry off the petitioner before his case had been decided.

On the following morning (Saturday, the 25th of this month), I ordered the issuing of a writ of *habeas corpus* to bring the petitioner before me, with a view to his immediate discharge.

My decision to discharge him was founded upon the reasons following:—

1st. Because it is provided by the first section of the Act of the British Parliament, to give effect to a Convention between Her Majesty and the King of the French, for the apprehension of certain offenders (6 and 7 Vic., cap. 75); that every requisition to deliver up to justice any fugitive accused of any of the crimes enumerated in the said Act, shall be made by an ambassador of the Government of France, or by an accredited diplomatic agent; whereas the requisition made to deliver up the petitioner to justice has been made by Abel Frederic Gautier, Consul General of France, in the Provinces of British North America, who is neither an ambassador of the Government of France, nor an accredited diplomatic agent of that Government, according to his own avowal upon oath.

2nd. Because, by the third section of the said statute, it is provided that no Justice of the Peace or any other person shall issue his warrant for any such supposed offender until it shall have been proved to him, upon oath or affidavit, that the person applying for such warrant is the bearer of a warrant of arrest or equivalent judicial document, issued by a judge or competent magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge, or unless it shall appear to him that the act charged against the supposed offender is clearly set forth in such warrant of arrest or other judicial document; whereas the Justice of the Peace who issued his warrant against the petitioner, issued the same without having any such proof before him, the only document produced before him, as well as before me, in lieu of such warrant of arrest or equivalent judicial document, being a paper writing alleged to be a translation into English of a French document made by some unknown and unauthorized person in the office of counsel for the prosecutor at New York, and bearing no authenticity whatever.

3rd. Because, supposing the said document purporting to be a translation of an *acte d'accusation* or indictment, accompanied by a pretended warrant for arrest, and designated as an *arrêt de renvoi*, to be authentic, it does not contain the designation of any crime comprised in the number of the various crimes for or by reason of the alleged commission of which any fugitive can be extradited under the said statute.

4th. Because, by the first section of the said act, it is provided that no Justice of the Peace shall commit any person accused of any of the crimes mentioned in the said Act, to wit, murder, attempt to commit murder, forgery, and fraudulent

bankruptcy, unless upon such evidence as, according to the laws of that part of Her Majesty's dominions in which the supposed offender shall be found, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be accused had been there committed. Whereas the evidence produced against the petitioner upon the accusation of forgery brought against him before the committing magistrate would not have justified him in apprehending or committing the petitioner for the crime of forgery, had the acts charged against him been committed in that part of Her Majesty's dominions where the petitioner was found, to wit, in Lower Canada.

5th. Because the said warrant for the extradition of the petitioner, as well as the warrant for his apprehension, does not charge him with the commission of any one of the crimes for which a warrant of extradition can be issued under the statute, inasmuch as in both of the said warrants the alleged offence is charged against the petitioner as "forgery by having, in the capacity of cashier of the branch of the Bank of France at Poitiers, made false entries in the books of the bank, and thereby defrauded the said bank of the sum of 700,000 francs."

Whereas the said offence as thus designated does not constitute the crime of forgery according to the laws of England and Lower Canada, for, to use the words of Judge Blackburn when he pronounced judgment concurrently with Chief Justice Cockburn and Judge Shee, in a case analogous to this (*ex parte* Charles Windsor, Court of Queen's Bench, May 1865),—"Forgery is the false making of an instrument purporting to be that which is not, it is not the making of an instrument purporting to be that which it is; it is not the making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing."

The gaoler's return to this writ of *habeas corpus* was that he had delivered over the prisoner to Edme Justin Melin, Inspecteur Principal de Police de Paris, on the night of the 24th instant, at 12 o'clock, by virtue of an order signed by Mr. H. Sanborn, Deputy-Sheriff, grounded upon an instrument signed by his Excellency the Governor-General.

It appears that the petitioner thus delivered up to this French policeman is now on his way to France, although his extradition was illegally demanded, although he was accused of no crime under which he could have been legally extradited, and although, as I am credibly informed, his Excellency the Governor-General had promised, as he was bound in honour and justice, to grant the petitioner an opportunity of having his case decided by the first tribunal of the land before ordering his extradition.

It is evident that his Excellency has been taken by surprise, for the document signed by him is a false record, purporting to having been signed on the 23rd instant at Ottawa, while his Excellency was at Quebec, and falsely certified to have been recorded at Ottawa before it had been signed by the Governor-General.

In so far as the petitioner is concerned I have no further order to make, for he whom I was called upon to bring before me is now probably on the high seas, swept away by one of the most audacious and hitherto successful attempts to frustrate the ends of justice which has yet been heard of in Canada.

The only action I can take in so far as he is concerned is to order a copy of this judgment to be transmitted by the Clerk of the Crown to the Governor-General for the adoption of such measures as his Excellency may be advised to take to maintain that respect which is due to the Courts of Canada and to the laws of England.

As to the public officers who have been connected with this matter, if any proceedings are to be adopted against them they will be informed thereof on Monday, the 24th day of September next, in the Court of Queen's Bench, holding criminal jurisdiction, to which day I adjourn this case for further consideration.

No. 28.—Telegram from Mr. Doutre to his Excellency the Governor-General.

Montreal, August 30, 1866.

MR. DOUTRE has the honour to submit the name of the Solicitor he intends intrusting with the case of Lamirande in London: Mackenzie, Treherne and Trinden, 77, Gresham House, Old Broad Street.

(Signed) JOSEPH DOUTRE.

No. 29.—Telegram from Mr. Doutre to his Excellency the Governor-General.

Montreal, August 30, 1866.

MR. DOUTRE has the honour to ask your Excellency if it would please your Excellency to cause the following telegram to be sent at public expense through the Atlantic Cable, and favour Mr. Doutre with an answer.

"Mackenzie, Trehern, and Trinder, Solicitors, London.

"Montreal, August 30, 1866.

"Ernest Sureau Lamirande, kept by E. Justin Melin and Joseph Sipling, on steam-ship 'Damascus,' Somers Watts, master, due Londonderry, 3rd September. Stop him by *habeas corpus;* have his rendition suspended, as illegal papers mailed. I perhaps going.

(Signed) "JOSEPH DOUTRE."

No. 30.—Telegram from Mr. Doutre to his Excellency the Governor-General.

Montreal, August 30, 1866.

MR. DOUTRE has the honour to ask your Excellency to have the following words added at the end of his telegram to Mackenzie and Co., in case it should be transmitted as asked by previous telegram:—

"See Lord Carnarvon."

(Signed) JOSEPH DOUTRE.

No. 31.—Telegram from Mr. Godley to Mr. Doutre.

Quebec, August 30, 1866.

LORD MONCK cannot send message at public expense.

He has already notified the Colonial Secretary by telegraph.

(Signed) DENIS GODLEY.

No. 32.—Mr. Doutre to Mr. Godley.

Sir, Montreal, September 8, 1866.

ENCLOSED you will find the joint report of Messrs. Doutre and Spilthorn, of their interviews with his Excellency on the 23rd August last in Quebec. You will oblige by submitting it to his Excellency for remarks, if necessary. I intend sending a duplicate of that report to England, and to publish it in Canada, as some newspapers persist in qualifying as a fabrication the report made by Mr. Spilthorn of his Excellency's promise in Ottawa of allowing to Lamirande the time necessary for applying to higher tribunals. Considering that Lamirande might suffer from the doubts expressed by some newspapers about that promise, you will please submit to his Excellency that I cannot, for the sake of minor considerations, let my client suffer from my silence.

I intend sending that report to England on Wednesday next. If I do not receive any observations upon it before then, I will consider that there are none to expect.

If there was no objection to communicate to me the telegram of his Excellency to the Colonial Secretary, in relation to Lamirande, I would be exceedingly obliged for it.

I have, &c.

Denis Godley, Esq., &c., &c., &c., Quebec.

(Signed) JOSEPH DOUTRE.

JOINT REPORT from Messrs. J. DOUTRE, Q.C., and C. L. SPILTHORN, Attorney and Counsellor-at-Law, of their Interviews with his Excellency the GOVERNOR-GENERAL of CANADA on the 29th of August, 1866, in Quebec.

Montreal, August 30, 1866.

THE 29th of August, 1866, being a very stormy day, and their being no probability that his Excellency would come to his office in town, where Messrs. Doutre and Spilthorn had enquired for him in the morning, Messrs. Doutre and Spilthorn started for Spencer Wood, where they were received by his Excellency about 12 o'clock.

On meeting them, his Excellency said, that he understood the object of their visit, that no man had felt more aggrieved than himself at the wrong he had been instrumental in inflicting upon Lamirande.

Mr. Doutre then observed, that if the warrant of his Excellency surrendering Lamirande to France, had been the result of deliberation on the part of his Excellency, there would have been an immediate end to the interview, as their object in coming from Montreal was neither to blame his Excellency nor to discuss his action in the matter. But in such case he, Mr. Doutre, would be in the painful necessity of doubting the word of Mr. Spilthorn, when he reported that his Excellency had given him the verbal promise of allowing to Lamirande the time required for submitting his case on *habeas corpus* to higher tribunals.

His Excellency there interrupted to say that Mr. Spilthorn had correctly reported the result of their interview in Ottawa, and that his Excellency had really promised to act as required in the petition of Lamirande.

"Then," continued Mr. Doutre, "I will feel at liberty to state the series of facts which have induced me and my companion to disturb your Excellency in his private residence. We have come from Montreal to see if there would be any means of redressing the effects of the execution of your Excellency's warrant, which had brought a deplorable conflict between the executive and judicial powers of the State."

"I saw that too late, unfortunately," said his Excellency, "to prevent that conflict, but it was far from being premeditated on my part. I will tell you, frankly, how the thing happened. Although the matter rested almost entirely with me, you understand that I would not undertake to decide upon a matter of law without acting under the advice of my constitutional legal advisers. On the 23rd day of this month, Mr. Solicitor-General Langevin brought me that warrant to have it signed. I told Mr. Langevin that I had promised the Attorney of the prisoner ample time to submit his case under a writ of *habeas corpus*, that if the warrant tendered for my signature should have the effect of interfering in the least with the application for *habeas corpus*, I would certainly not sign it. Mr. Langevin told me that the warrant would not interfere with or prejudice the proceedings adopted or to be adopted by the prisoner; that the warrant was only intended to be used when the application for *habeas corpus* would be disposed of, and in case it would not be granted. I have not seen Mr. Langevin since, but I must hear what he has to say. He is responsible to me for his advice, and he must explain how he has brought me into this painful and false position. If it would not inconvenience you, meet me at my office at 2 o'clock. I will be pleased to see you. In the meantime if you can suggest any practical means of redressing the wrong I have been instrumental in inflicting upon the man, I will be very much obliged to you."

When Mr. Doutre related how it had been ascertained that the Attorney-General's partners in business had been connected with the execution of the plan which had resulted in the taking away of Lamirande, pending the demand of release under *habeas corpus*, the participation of the Deputy-Clerk of the Crown and of the Crown Prosecutor in the execution of the plan, every one of them knowing the existence of the proceedings for *habeas corpus*, the preparation of a draft of his Excellency's warrant by the Crown Prosecutor, and the copying of it on parchment by the Deputy-Clerk of the Crown, even before the decision of the Police Magistrate had been rendered, the receiving of the fees from the prisoner on the petition for a writ of *habeas corpus* by the same Deputy-Clerk of the Crown, the Presence of the same Deputy-Clerk of the Crown, and of the Crown prosecutor at the presentation of the petition on the 24th August; the participation of both of them in the proceedings for *habeas corpus*, and after all this the visit of the same Deputy-Clerk of the Crown at the residence of the Deputy-Sheriff during the night of the 24th and 25th of August, with the Attorney-General's partner, the High Constable, and French detective Melin, to

obtain an order grounded on his Excellency's warrant; the whole showing that all and every one of them had conspired together to bring his Excellency in disrepute, by treacherously causing his Excellency to commit a breach of his royal promise, and to set at defiance the authority of the Court of which they, the Deputy-Clerk of the Crown, the Crown Prosecutor, and the High Constable, were servants in their respective sphere of action. Mr. Doutre observed, moreover, that knowing the antecedents of three of the parties concerned in this disgraceful transaction, knowing that the Police Magistrate and the Deputy-Clerk of the Crown had already been dismissed from office for malversation in and breach of public trust, and that the Crown Prosecutor had also been dismissed from office for disobedience and insolence to his superior officers, knowing that the same parties had been reinstated in office without having in any way removed the causes of their respective dismissal, and exclusively through the influence of the Attorney-General; he knew from the first that each and all of them would be subservient tools in the hands of the Attorney-General's partners, and from the beginning he anticipated that nothing short of the fair dealings of his Excellency could protect his client from all kinds of attempt to evade law and justice on the part of the Attorney-General's partners, aided and abetted by those officials. The result has proved that this anticipation did not yet reach the full height of the conspirators' knavery, since the high and regal position of his Excellency did not stop them in their nefarious designs. This will not be the last his Excellency would hear from the doings of the same parties. A few weeks ago the same Crown Prosecutors had abused his Excellency's warrant in another case of extradition. A man of the name of Merrit having been committed for extradition, the nullity of his commitment was raised under a writ of *habeas corpus*, while his Excellency's warrant was asked for upon this same commitment. When his Excellency's warrant arrived at Montreal the commitment was quashed, and the release of the prisoner ordered; but another commitment was secretly obtained, and upon this second commitment his Excellency's warrant, which must have been anterior in date, was used to extradite the prisoner.

"Having thus shown to your Excellency," continued Mr. Doutre, "how justice is administered in Montreal, I will now state to your Excellency the practical object of our visit. We intend telegraphing to London through the Cable, to some solicitors to take proceedings to suspend the rendition of Lamirande if he is landed in England. But there our agents will have to fight against your Excellency's warrant without any paper to show why that warrant should not be fully executed, since your Excellency has been deceived. We would humbly submit that your Excellency should help us in preventing that violation of the law. As to the form under which your Excellency might help us, we would leave your Excellency to decide."

Then his Excellency told us that he would be willing to telegraph immediately to Lord Carnarvon, the Secretary for the Colonies, informing him of the illegality of Lamirande's extradition, and praying him to give to our solicitors all help in his power.

This closed the first interview. In the afternoon we met his Excellency at his office in town, when he told us that he was ready to telegraph, and that he was only waiting for the names of our solicitors in London. As we had not yet determined whom we would intrust with the case, it was agreed that we should send their names by telegraph from Montreal the next morning.

His Excellency then told us that he had seen Mr. Solicitor-General Langevin, and that in justice to him he desired to communicate to us the explanation he had given of his conduct. "Mr. Solicitor-General Langevin says," continued his Excellency, "that when I asked him if my warrant would interfere with the proceedings on *habeas corpus*, he understood me to ask him if a writ of *habeas corpus* had been issued, and that he answered no."

"Mr. Langevin," remarked Mr. Doutre, "knew then what was going on, and what he was doing himself, and whether his explanation is true or plausible or not, it does not alter the case as to the *animus* of his advice to your Excellency, but we have nothing to do with that."

As we were about leaving, Mr. Doutre observed, that as his Excellency then stood before the public as having acted in violation of his promise to Mr. Spilthorn, he would feel bound to explain the matter in a public way, in justice to his Excellency.

"If you intend to do that, for my own sake," said his Excellency, "I would

rather like that you should abstain from doing it." And his Excellency gave his motives for avoiding being mixed up in newspaper controversy.

Mr. Doutre replied, that his Excellency's desire would be complied with as long as the interest of his client should not suffer from his silence, and we parted.

(Signed) JOSEPH DOUTRE.
C. L. SPILTHORN.

No. 33.—Mr. Godley to Mr. Doutre.

Sir, Quebec, September 10, 1866.

I BEG to acknowledge the receipt of your letter of the 8th instant, enclosing a "Joint report from Messrs. J. Doutre, Q.C., and C. L. Spilthorn, Attorneys-at-Law, of their interviews with his Excellency the Governor-General of Canada, on the 29th of August, 1866, at Quebec."

I have laid this document before the Governor-General, and I am directed by his Excellency to inform you that though he cannot restrain you from publishing anything that you please, he entirely denies the accuracy of the report of the language which in your statement he is made to use, and also disavows the construction which is put upon his conversation, as affecting his relations with the officers of the Crown.

In reply to your request that the telegram of the Governor-General to the Secretary of State for the Colonies should be communicated to you, I am to acquaint you that his Excellency, in his message to Lord Carnarvon, expressed his desire that his warrant for Lamirande's extradition should not be any obstacle to the prisoner's obtaining a writ of *habeas corpus* in England, as his Excellency understood that an application for that purpose would be made in the English Courts.*

I have, &c.
(Signed) DENIS GODLEY,
Governor's Secretary.

J. Doutre, Esq., Q.C.,
&c., &c., &c., Montreal, L.C.

No. 34.—Mr. Doutre to Mr. Godley.

Sir, Montreal, September 11, 1866.

I HAVE the honour to acknowledge the receipt of your letter of yesterday, in which you inform me that his Excellency the Governor-General "entirely denies the accuracy of the report of the language which in our (Mr. Spilthorn and myself) statement he is made to use; and he also disavows the construction which is put upon his conversation as affecting his relations with the officers of the Crown."

You will please express to his Excellency my regret that any portion of that report should be the object of either denial or disapprobation on the part of his Excellency, as we have taken great care to faithfully report the conversations we had the honour to have with his Excellency. Our object in laying down the details of those conversations, was to make a complete record of the facts relative to Lamirande's extradition. But as I never desired to serve any other object than the interest of my client in asking an interview with his Excellency, you will please state to his Excellency that I would very willing forego any intention of making public from these conversations anything else but what is useful to Lamirande. The thing most useful to him was the acknowledgment on the part of his Excellency, that his Excellency had promised to Mr. Spilthorn at Ottawa that Lamirande would be allowed all the necessary time to submit his case for examination to higher tribunals, under a writ of *habeas corpus*. I hope there cannot be any difference between his Excellency on the one part, and Mr. Spilthorn and myself on the other, about that fact.

I beg therefore to submit to his Excellency the enclosed report of Mr. Spilthorn and myself, under date of this day, and I hope that by acknowledging the accuracy

* The telegram referred to will be found printed at page 2.

of the only fact stated in it, his Excellency will give to Mr. Spilthorn and myself the satisfaction of remaining, with no other recollection but that of his Excellency's kindness towards us in our meetings at Quebec.

I have, &c.

Denis Godley, Esq.,
Secretary to his Excellency
the Governor-General.

(Signed) JOSEPH DOUTRE.

ON the 29th of August, 1866, the undersigned Joseph Doutre, Q.C., and L. C. Spilthorn, Attorney and Counsellor-at-Law, had the honour of meeting his Excellency the Governor-General of Canada, &c., at Quebec, in relation to the extradition of Ernest S. Lamirande, claimed by France as a fugitive criminal.

In that interview his Excellency acknowledged that Mr. Spilthorn, one of the undersigned, having presented a petition from the said Lamirande to his Excellency, about the 17th of August, 1866, in Ottawa, praying his Excellency that in case he (Lamirande) should be committed for extradition by the Police Magistrate then investigating the matter, he (Lamirande) should be allowed the necessary time to submit his case to higher tribunals for examination, under a writ of *habeas corpus*, his Excellency had then and there told Mr. Spilthorn that ample time would be allowed to Lamirande for the purpose of submitting his case as mentioned in the said petition.

Montreal, September 11, 1866.

(Signed) JOSEPH DOUTRE.
C. L. SPILTHORN.

No. 35.—Mr. Godley to Mr. Doutre.

Governor's Secretary's Office, Quebec,
September 12, 1866.

Sir,

I HAVE the honour to inform you that I have laid the paper which you inclosed to me in your letter of the 11th instant before the Governor-General, and I am to acquaint you that it is therein correctly stated that his Excellency told Mr. Spilthorn that ample time would be allowed to Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition.

I am further to apprise you that the Governor-General expressly declines to sanction any publication of language held by him in reference to the matter, and that any such publication must be understood to be made without his consent.

I have, &c.

(Signed) DENIS GODLEY,
Governor's Secretary.

J. Doutre, Esq., Q.C., Montreal.

No. 36.—Mr. Doutre to Mr. Godley.

Sir,

Montreal, September 13, 1866.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, in which you inform me that you have laid the paper inclosed in my letter of the 11th instant before the Governor-General, and that it is therein correctly stated that his Excellency told Mr. Spilthorn that ample time would be allowed to Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition, and that the Governor-General expressly declines to sanction any publication of language held by him in reference to the matter, and that any such publication must be understood to be made without his consent.

In reference to this latter part, I beg leave to remind what I have said in my letter of the 11th instant, and, to avoid misunderstanding on this matter, you will please inform his Excellency that I do not intend publishing anything in which his Excellency might feel some interest, but the paper inclosed in my letter of the 11th instant and the first portion of your letter of the 12th instant relative to that paper.

I have, &c.

Denis Godley, Esq.,
Governor-General's Secretary,
Quebec.

(Signed) JOSEPH DOUTRE.

No. 37.—Charge addressed to the Grand Jury by the Hon. Lewis Thomas Drummond, one of the Justices of the said Court, at the opening of the Term at Montreal, on the 24th day of September, 1866.

Province of Canada, District of Montreal.

Court of Queen's Bench, Crown side.—September Term, 1866.

Gentlemen of the Grand Jury,

WE must all feel a deep interest in maintaining the purity and efficiency of an institution such as the Grand Jury, which has been established for the twofold purpose of denouncing and bringing to justice all those who violate the law, and of protecting from false accusation all those who respect it.

The usefulness of this great and time-honoured institution (imperfect as it is in some respects, like all human devices) cannot be preserved, its abuse cannot be prevented, unless the men who are summoned to carry it into operation have imbibed a clear conception of their duties, their powers, and their immunities.

To define to you, therefore, these three subjects, to condense them in the most precise and practical manner I can, after a rigorous analysis of the law and the best authorities relating to them, seems to be my first and paramount duty on this as on all similar occasions.

Powers and Duties.

Your powers and duties, Gentlemen of the Grand Jury, may be defined in the following manner:—

You have power, and it is your duty, to inquire into all public offences committed or triable in this district, and to report them to this Court, either by indictment or presentment.

After such inquiry upon an indictment, if you (at least twelve of you) believe the person accused guilty of the offence therein charged against him, you should return the indictment into court after your foreman has caused to be written on the back thereof the words "true bill" or "a true bill," and placed his signature below these words.

If you believe the accusation to be unfounded, or not sufficiently proved to justify a public trial, you should return the indictment into Court as "no bill," or "ignoramus." The latter form has, however, become well-nigh obsolete, at least in Lower Canada.

Having stated that you may return into Court the result of your inquiries either by indictment or presentment, it is due to you that I should explain clearly the distinction to be drawn between these two modes of proceeding.

Indictment and Presentment.

An "indictment" is an accusation in writing submitted to, and after due inquiry, presented by the Grand Jury to a competent Court charging a person with a public offence. A "presentment" is an informal statement in writing, by the Grand Jury, apprising the Court that a public offence has been committed within the district, and that there is a reasonable ground for believing that a particular individual named or described has committed it.

Although Grand Juries have undoubtedly the right to make any such presentment, and although it is the duty of any grand juror, cognizant of every offence not brought up by indictment, to inform his brother jurors thereof, yet the practice usually followed in Lower Canada is to instruct the Crown Prosecutor, or in his absence the Clerk of the Crown, to proceed in the ordinary course. If, however, you deem it proper to make any such presentment, you should annex notes of the evidence taken in support of it, signed by your foreman, and you should not announce, in open Court, the name of the person accused: while the Court, if in its discretion it should order further proceedings, would be bound to prevent publicity being given to the particulars of such a presentment until an arrest had been effected.

Certain Cases Excepted.

Under a recent Statute you are forbidden to inquire into any bill of indictment for perjury, subornation of perjury, conspiracy, obtaining money under false

pretences, or for keeping a gambling-house or a disorderly house, or for any indecent assault, unless the prosecutor has been bound by recognizance to appear to answer such indictments, or unless such indictment be preferred by the direction or with the consent in writing of a Judge of the Court of Queen's Bench, or of the Superior Court, or of the Attorney-General or Solicitor-General of Lower Canada.

Proof Required.

No indictment should be returned as "a true bill," and no presentment should be made without the concurrence of at least twelve jurors. No indictment should be returned into Court as "no bill" until all the witnesses named in it have been heard, if present or accessible; but you are not obliged to hear all such witnesses if you are fully convinced by the evidence of one or more that the accused should be put upon his trial. The safer course, however, is to examine them all.

In the investigation of any charge, either upon an indictment or for the purpose of a presentment you can receive no evidence other than such as is given by witnesses produced and sworn before you, or furnished by confession made upon voluntary examination before a Magistrate, or by other legal documentary evidence.

No affidavits or depositions should be received by you in evidence, except such as contain dying declarations in cases of alleged murder or manslaughter. Even these should not be read as evidence before you without previous consultation with the counsel for the Crown, or in his absence with the Clerk of the Crown, or by permission of the Court.

You can receive none but legal and the best evidence the case will admit of, to the exclusion of hear-say and secondary evidence.

You are not bound to hear evidence for the defence, but it is your duty to weigh all the evidence submitted to you; and when you have reason to believe that other evidence within your reach may alter the character of the charge or explain it away, you should order such evidence to be produced.

You should return "a true bill" against no man unless upon such evidence as in the aggregate would in your judgment, if unexplained or uncontradicted, warrant a conviction upon trial by a petit jury; but in cases where you entertain any reasonable doubt, the protection you owe to the community would seem to require that you should allow that balance to incline against the accused which a petit jury, after a full investigation of the facts, if in the same frame of mind, would reverse in his favour.

An indictment for murder, where the slaying is proved against the accused, may be returned as a "true bill" for manslaughter, if you are fully convinced that the death involved no malice aforethought either direct or implied; but the safer course, in the interest of the public, is to return a true bill for murder, leaving it to the petit jury, under the direction of the Court, to discriminate between these two species of homicide.

Duties apart from Inquiry into Public Offences.

In addition to the duties incumbent upon you in direct relation to public offences, you are also bound to inquire into the condition and management of the public prisons, and into the cause of detention of every person imprisoned on any charge and not indicted.

Assistance Due.

In order to enable you to perform those high functions with efficiency, you are entitled to (at all reasonable times) the advice of the Court, or of the counsel representing the Crown, or in his absence of the Clerk of the Crown, and to obtain the assistance of the latter (or of any other person deputed by him) in the marshalling and examination of witnesses before you; but no other person apart from the witness actually under examination should be allowed to appear in the Grand Jury room while you are engaged in the performance of your duties, except the private prosecutor, in cases not conducted by counsel, and you must allow no person whomsoever to be present in your room while you are expressing your opinions or giving your votes upon any matter before you.

You are also entitled to free access, at all reasonable times, to the public

prison, and to an examination, without charge, of all public records connected with the performance of your duties as grand jurors.

Immunities.

Your immunities consist principally in the protection, with which the law surrounds you, against all responsibility, all liability of being questioned or called to account in any way for anything you may say, or any vote you may give in the Grand Jury room relative to a matter legally pending before you, except in the improbable event of a grand juror committing perjury in making an accusation or giving testimony to his fellow jurors.

Secrecy.

I need not allude to the secrecy you are bound to observe as to all your proceedings, for you have pledged yourselves by the oath you have taken to keep the secrets of your fellow-jurors as well as your own, and that solemn pledge is binding on you, not only while you are fulfilling your duties as grand jurors but for all time thereafter.

Having set forth the rules by which you are to be guided in your deliberations, I come to the consideration of the calendar of offences, which it will be your duty to investigate; it is, I regret to say, a heavy one, comprising some accusations of a most heinous character.

The instructions given to you above will, I trust, assist you in your inquiry; and you may rely upon the determination of the Court to award adequate punishment to all who shall be found guilty of the violations of the law.

But, apart from these vulgar crimes, I deem it my duty to call your attention to a startling violation of law, committed by several persons connected with the administration of justice. I allude to the case of E. S. Lamirande, who, while his petition for a writ of *habeas corpus* was under consideration before one of the Judges of the Court, and after his Excellency the Governor-General had assured him, through his counsel, that he would have ample time to obtain a decision upon his case by this Court before any warrant of extradition should issue, was forcibly and illegally carried off beyond its jurisdiction.

A crime of this character, involving a flagrant contempt of the judiciary of our country—an insult to our gracious Sovereign in the person of her representative, our good and noble Governor-General—and a violation of the writ of *habeas corpus*, the foundation of all our liberties as British subjects, demands of you, as the Grand Inquest of this district, a strict and earnest investigation.

You may now retire to your chambers, where, I have no doubt, you will perform the arduous labours which await you, with full satisfaction to your own conscience and to the country you represent.

No. 38.—Presentment of the Grand Jury.

Province of Canada, District of Montreal.

Court of Queen's Bench, Crown side.—September Term, 1866.

May it please the Court,

HAVING terminated the business submitted to us, before seeking our discharge at the hands of the Court, we beg leave to offer our sincere thanks to his Honour the presiding Judge, for the interesting and careful charge he has pleased to deliver to us on the first day of the present term. By the luminous instructions given to us with regard, not only to our rights and duties, but also as to our immunities and obligations, we have been much aided in the long and sometimes difficult investigations in which we have been engaged, and we trust that with the help so given we may have been enabled to discharge our duties with advantage to the country, as well as with comparative ease to ourselves. We cannot, however, fail to express our regret that the work thrown upon us has been so heavy, and it is impossible to conceal the fact, that crime, and that of the most serious description, increases almost in proportion to the material prosperity of this community. In particular, the jurors have seen, with some concern, the alarming increase of the crime of larceny, which is in some measure owing to the facility with which the

plunder is disposed of. Much praise, however, is due to the detectives Cullen and Bouchard for their zeal and ingenuity in finding out the haunts of these depredators and bringing them to justice. On the other hand, it is to be regretted that certain county magistrates send up for trial at a vast expense to the country, cases too insignificant for the consideration of this Court. In a word, we have endeavoured, and we hope successfully, to keep up to the rule laid down in our oath, to present no one from malice, hatred, reward, or hope of reward, and to leave no one unpresented from fear, favour or affection.

The Jurors visited the common gaol, and find that so far as the accommodation goes, every thing is in perfect order; but the Grand Jury think it right to draw attention to the following facts:—

Five and twenty years ago the gaol was constructed to hold 250 prisoners, and on the 6th of October there were 440 inmates, male and female, besides children. On the 9th instant, when the Grand Jurors went there, the actual number was—females 209, males 206, making a total of 415; of whom there were of female lunatics 11, male 4; leaving a balance of criminals, 400.

The Grand Jurors also find that in the year 1845 there were 1313 commitments; in 1865 the commitments amounted to the enormous number of 4424; while the increase in the number of turnkeys has been only two, one man and one woman.

In order to supply room for this increased number of prisoners, the debtors' prison has been taken up, so that we find two debtors occuping the convicts' ward; and a woman sentenced to a fine for selling liquor without licence, which she cannot pay, obliged to keep company with the most abandoned women and idiots. This seems to be a hard measure of justice.

But want of space, which thus prevents any proper classification, is not the only fault of the gaol, it is also very insecure. During the last year there have been seven escapes; one being that of a youth who was twice convicted of larceny on his own confession during this term.

The Grand Jurors feel that their duty would be only half done did they fail to offer any practical suggestions to improve the prison. They therefore beg leave to present that in their opinion there should be constructed forthwith a house of correction for the incarceration of all those convicted before the Judge of Sessions, out of Sessions, and before the Recorder; and that to render the gaol more secure, the enclosure wall should be raised at least four feet, and be furnished with a round stone coping. They also consider that the number of turnkeys and of the armed guard should be increased, and that a house for the gaoler should be constructed in the yard apart from the prison; with these changes, and the addition of a house of correction, the Grand Jury believe the present gaol may be made to meet the requirements of the district for many years to come.

Among the prisoners now confined in the Montreal gaol, are a certain number of those taken during the Fenian raid in June last. The Jurors hope that no unnecessary delay will occur in bringing these persons to trial.

The Jurors have learnt with regret, that the Corporation of Montreal persists in licensing houses which have been made the subject of complaint by the Police, and this in violation of a bye-law of the City Council.

In conclusion, the Jurors desire to express the satisfaction they feel that the excitement consequent upon the invasion of our Provinces in the month of June last, by bands of wicked and lawless men, citizens of a neighbouring country, between whose Government and ours no cause of disagreement existed, have now happily subsided. The good faith of the American Government in maintaining international obligations, together with our own watchfulness and due preparation against any attempt at a repetition of such unholy designs, it is to be hoped will in future allow the inhabitants of this country to pursue their usual avocations in peace.

The Court drew the attention of the Grand Jurors to the extradition of Ernest Sureau Lamirande. They now submit the affidavit of Joseph Doutre, Esq., Q.C., also their answers to a circular letter containing interrogatories for the consideration of the Court.

The whole respectfully submitted.

Grand Jury Room, Montreal, October 10, 1866.

(Signed) J. W. DORWIN, Foreman.

No. 39.—Motion for Copies of Papers by Mr. Doutre.

Province of Canada, District of Montreal.

In the Court of Queen's Bench, Crown side.

Ex Parte Ernest Sureau Lamirande for a Writ of Habeas Corpus.

MOTION on the part of the petitioner, that for reasons mentioned in the affidavit now filed, and on payment of the usual fees, he be allowed to have a copy of the papers filed by the Grand Jury of this district, with their presentment, and of the consultation asked by the said Grand Jury, from the Honourable Judge presiding over this Court, upon which consultation the said Honourable Judge gave the answer filed of record in this matter.

Montreal, October 12, 1866.

(Signed) JOSEPH DOUTRE,
Attorney for the Petitioner.

Province of Canada, District of Montreal.

In the Court of Queen's Bench, Crown side.

Ex Parte Ernest Sureau Lamirande for Habeas Corpus.

JOSEPH DOUTRE, of the city of Montreal, Queen's Counsel, being dul sworn, doth depose and say :—

That on the first day of October instant, the deponent has been summoned to be and appear on the 2nd day of the said present month, before the Grand Jury then sitting in the district for the present term of this Court, the deponent being given to understand that he was so summoned to be examined in relation to the circumstances under which the said Ernest Sureau Lamirande had been removed from the jurisdiction of the Judges of this Court, while his application was pending for his discharge under a writ of *habeas corpus ;* that the examination of the deponent was postponed from day to day until the afternoon of the 9th day of this month, when he was requested to attend before the said Grand Jury; that when the deponent was examined, the Crown Prosecutor, T. K. Ramsay, Esq., Advocate, was present in the Grand Jury Room, under the pretence, as expressed by himself, of marshalling the evidence, to be taken by the said Grand Jury on the subject above mentioned.

That the said T. K. Ramsay did in effect take down in writing the evidence given by the deponent, frequently interrupting the deponent, and discussing the relevancy of the evidence then taken down; that after the deponent had terminated what he considered to be the facts inquired into by the Grand Jury, the said T. K. Ramsay expressed the desire of cross-examining the deponent; that the deponent then exposed to the Jury that as long as the facts of the case were unknown to them, they might see no objection in the presence of the said T. K. Ramsay, in their room ; that since the deponent had related the facts then written down, it was and should be manifest to them that the said T. K. Ramsay had been one of the prompters and accomplices in the conspiracy which had resulted in the fraudulent removal of the said Ernest Sureau Lamirande ; and that if the said T. K. Ramsay was allowed not only to marshall the evidence, but also to control it, as he had attempted to do since the beginning of the deponent's deposition, any person accused of ordinary crimes could claim with as much right as the said T. K. Ramsay the privilege of marshalling and controlling the evidence produced against him ; that the said T. K. Ramsay then persisting in remaining in the Grand Jury Room, and taking part in their inquest, the Grand Jury requested both the deponent and the said T. K. Ramsay to withdraw ; and shortly after the Grand Jury came in Court, and transmitted to the Honourable Judge then sitting, a paper which was presumed by the deponent to be a consultation with the Honourable Judge, by the character of the answer given in open Court by the Honourable Judge; that after the receipt of that answer, the deponent was again called before the Grand Jury, where he found the said T. K. Ramsay still taking down the evidence given by the deponent, and directing the proceedings of the Grand Jury as heretofore ; that in the opinion of the deponent, founded on the above facts, the proceedings of the Grand Jury were brought to an abrupt and unexpected termination by the persistance of the said T. K. Ramsay, in controlling the proceedings of

the Grand Jury; that the petitioner, Lamirande, has adopted proceedings in England, and petitioned Her Majesty, in order to obtain Her protection against the consequences of the conspiracy which has resulted in the removal of the petitioner from the jurisdiction of the Judges of this Court; and that the petitioner, in order to show to Her Majesty how justice is administered in this district, and the participation of the Crown Prosecutor in defeating the ends of justice, is entitled to have copies of the papers mentioned in the accompanying motion, and hath signed.

(Signed) JOSEPH DOUTRE.

Sworn and acknowledged before the Court, on the 12th day of October, 1866.

(Signed) DESSAULLES AND ERMATINGER,
Clerk of the Crown.

No. 6. No. 6.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. the Earl of CARNARVON.

Quebec, October 31, 1866.

(No. 182.) (Received November 14, 1866.)

MY LORD, (Answered, No. 110, November 24, 1866, page 100.)

WITH reference to my despatch No. 175* of the 25th October, I have now the honour to transmit to your Lordship the copies of the affidavit therein alluded to. * Page 66]

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (Signed) MONCK.

Inclosure in No. 6. Inclosure in No. 6.

AFFIDAVIT of EDME JUSTIN MELIN.

Dans la Cité de Québec.

Province du Canada, District de Québec.

EDME JUSTIN MELIN, Inspecteur Principal de Police, à Paris, France, étant dûment assermenté sur les Saints Evangiles, dépose et dit:—

Que le 11me jour de Mars dernier, la caisse de la succursale de la Banque de France à Poitiers, dans cette partie de l'Empire Français appelée Haute-Vienne, a été volée d'une somme de 700,000 francs, et que ce vol a été fait et commis par Charles Ernest Sureau de Lamirande, dit Lamirande, caissier de la dite succursale de la dite Banque de France à Poitiers, Haute-Vienne susdit.

Que dans ou vers le même temps le dit Charles Ernest Sureau de Lamirande, dit Lamirande, s'échappa du territoire de l'Empire Français, et se rendit dans la Cité de New York, dans l'Etat de New York, l'un des Etats de la République des Etats-Unis d'Amérique.

Que le ou vers le 9me jour d'Avril dernier, le dit Lamirande fut arrêté dans la dite Cité de New York, et que pendant qu'on instruisait son procès d'extradition il est parvenu, le 3me Juillet courant, à s'échapper de la susdite cité et des mains de la justice des Etats-Unis d'Amérique.

Que d'après des informations qui sont en sa possession il a tout raison de croire que le dit Charles Ernest Sureau Lamirande, dit Lamirande, s'est réfugié au Canada, et est encore caché dans une partie quelconque de ses Provinces.

Que de plus, le dit Charles Sureau de Lamirande, dit Lamirande, a falsifié frauduleusement les livres de comptabilité de la dite succursale de la dite Banque de France à Poitiers, Haute-Vienne susdit, en y faisant figurer comme présentes dans la caisse de la dite banque cette somme de 700,000 francs susdits qu'il s'était appropriée, et qu'il s'est aussi rendu coupable d'un faux en changeant et falsifiant son bordereau de situation, et qu'ainsi il tombe sous les dispositions du Traité existant entre l'Angleterre et la France pour l'extradition des criminels.

Cette déposition étant lue le déposant y persiste disant qu'elle contient la vérité et a signé.

(Signé) E. J. MELIN.

Assermenté devant moi, à Québec, ce 18me jour de Juillet, de l'année 1866.

(Signé) J. T. TASCHEREAU, J.C.S.

No. 7.

No. 7.

Copy of a DESPATCH from Viscount Monck to the Right Hon. the Earl of Carnarvon.

(No. 193.) Quebec, November 10, 1866.

My Lord, (Received November 26, 1866.)

WITH reference to previous correspondence respecting the case of Lamirande, I have the honour to transmit herewith, for your Lordship's information, three copies of a letter and of its inclosure from Mr. Ramsay, Crown Prosecutor, at Montreal.

I have, &c.

The Right Hon. the Earl of Carnarvon, (Signed) MONCK.
&c. &c. &c.

Inclo. 1 in No. 7.

Inclosure 1 in No. 7.

Mr. Ramsay to Mr. Godley.

Sir, Montreal, November 3, 1866.

AT the request of the Attorney-General for Lower Canada, I have the honour to inclose you three copies of a paper filed by me at the request of Mr. Justice Drummond, containing certain admissions on his part which had been previously made by him in open court, in case his Excellency the Governor-General should think it right to forward them to England. The value of these admissions is that by my disculpation by the Judge the alleged conspiracy falls to the ground, for without conspirators there cannot be a conspiracy. Now, previously, Mr. Justice Drummond had openly disculpated the Deputy Sheriff, Mr. Schiller, and the gaoler, and privately he had done as much for Messrs. Pominville and Betournay, who were the only other persons actually employed in the extradition of Lamirande.

I have, &c.

D. Godley, Esq., (Signed) T. K. RAMSAY.
&c. &c. &c., Quebec.

Inclo. 2 in No. 7.

Inclosure 2 in No. 7.

Province of Canada, District of Montreal.

Court of Queen's Bench, Crown side.—September Term, 1866.

The Queen v. Thomas Kennedy Ramsay.—On rule to show cause.

IN consideration of the declaration made this morning in open court by Mr. Justice Drummond to the effect that in his remarks with relation to the extradition of Ernest Sureau Lamirande in Chambers, on Saturday, the 25th day of August last, and on Monday, the 27th day of August last, he did not say nor did he intend to insinuate that the said Thomas Kennedy Ramsay was the party guilty of any conspiracy in the said affair, nor of the falsification of a public document alluded to in the said Judge's remarks, nor of any act of a nature to compromise his character, individually or personally. The said Thomas Kennedy Ramsay withdraws whatever may be personally offensive to Mr. Justice Drummond in two certain letters published in the "Montreal Gazette" on the 28th and 30th days of August last, and bearing the signature of him the said Thomas Kennedy Ramsay, the said letters having been only written in answer to the remarks of the said Judge, as reported in the "Herald" of the 27th and 29th days of August last; and the said Thomas Kennedy Ramsay further regrets that he should have been induced by such reports to misinterpret the words as also the intentions of the learned Judge.

Montreal, November 2, 1866.

(Signed) T. K. RAMSAY.

No. 8.

Copy of a DESPATCH from Lieutenant-General Sir J. Michel to the Right Hon. the Earl of Carnarvon.

(No. 4.)

Montreal, January 3, 1867.

My Lord,

(Received January 25, 1867.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 114* of the 14th December, informing me that the Frenchman Lamirande had been tried in France and found guilty of forgery ("faux"), and sentenced to ten years' reclusion.

* Page 101.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(Signed) J. MICHEL.

DESPATCHES FROM THE SECRETARY OF STATE.

Despatches from the Secretary of State.

No. 1. No. 1.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Viscount Monck.

(No. 61.)

My Lord, Downing Street, September 22, 1866.

I HAVE the honour to transmit to you the enclosed copy of a despatch from Her Majesty's Ambassador at Paris, to the Secretary of State for Foreign Affairs, accompanied by a letter from a French subject named Lamirande, complaining of his having been given up to the French Government under the Extradition Treaty, and more especially of the manner in which he was removed from Canada whilst his case was still under the consideration of a Judge of the Court of Queen's Bench in the Province.

I received from you a telegram, stating that Lamirande had been delivered up under your warrant, and that he had sailed in the "Damascus," owing to delay in obtaining a *habeas corpus*, but the telegram contained no further particulars.

The statement made by Lamirande in his present letter, and the accounts which have appeared in the public journals, give an account of the case, which demands full inquiry and explanations. I have, therefore, to request that your Lordship will transmit to me, if you have not done so already, a complete report upon the case. This report will show under what circumstances and upon what advice your Lordship's warrant was issued, and also how it happened that Lamirande was withdrawn after his case was partly heard before a Judge of the Supreme Court, and whether any Officers of Justice or persons in the service of your Government had any share in that proceeding, and if so, what steps have been taken in consequence.

I have, &c.

Viscount Monck, (Signed) CARNARVON.
&c. &c. &c.

Inclosure 1 in No. 1. Incl. 1 in No. 1.

Earl Cowley to Lord Stanley.

(No. 249.)

My Lord, Paris, September 14, 1866.

MAITRE LACHAUD, one of the most eminent members of the French Bar, has addressed me a letter, of which I have the honour to enclose a copy, transmitting a letter from a Frenchman named Lamirande, who appears to have been given up by the Government of Canada to the French Government, under the Extradition Treaty of 1842.

As Lamirande requests that his letter may be laid before Her Majesty's Government, I inclose it herewith.

I have, &c.

Lord Stanley, (Signed) COWLEY
&c. &c. &c.

Incl. 2 in No. 2.

Inclosure 2 in No. 1.

M. Lachaud to Earl Cowley.

Milord, Paris, le 12 Septembre, 1866.

J'AI l'honneur de faire parvenir à votre Excellence une lettre que le Sieur Lamirande, ancien caissier de la Banque de France à Poitiers, m'a envoyée pour lui être remise.

Je n'ai pas vu Lamirande, et je ne saurai dès lors rien ajouter aux protestations qu'il élève ; mais si les faits avancés par lui étaient vrais, ils auraient une gravité qui frapperait assurément votre Excellence, et je dois me borner à appeler sur cette lettre sa bienveillante attention.

Je suis, &c.

Earl Cowley, (Signé) A. LACHAUD,
&c. &c. &c. Avocat de la Cour Impériale.

Incl. 3 in No. 1.

Inclosure 3 in No. 1.

M. Lamirande to Earl Cowley.

Paris, Prison de la Préfecture de Police,

Excellence, le 11 Septembre, 1866.

JAI été enlevé de la prison de Montréal, où j'avais été commis par une sentence injuste, pour y attendre mon extradition, dans des conditions telles que je crois qu'en les faisant connaître à votre Gouvernement, il y verra une violation des lois Anglaises, et du Traité d'Extradition entre la France et l'Angleterre, et qu'il pourra vous autoriser à me réclamer au Gouvernement de l'Empereur.

La sentence qui m'avait commis pour l'extradition était frappée d'appel, et le procès, instruit et déjà plaidé devant un Juge d'un degré supérieur au premier, devait se terminer le lendemain à 11 heures du matin par la décision de ce Magistrat, quand se passèrent les faits suivants.

A 11 heures du soir, après avoir assisté au départ simulé du train de Montréal à Québec, le Magistrat en question vint s'assurer lui-même que j'étais bien à la prison. Entre 1 heure et 2 heures du matin, je reçus l'ordre du Directeur de la Prison de me lever et de partir. L'Agent de la Police Française envoyé à ma poursuite s'empara de moi avec l'aide de plusieurs autres personnes, cela de force, et sans pouvoir me montrer l'ordre en vertu duquel on m'entraînait. On me plaça dans une voiture, et on me conduisit à une station du chemin de fer de Montréal à Quebec (la Station St. Charles, je crois), et non à la gare de Montréal. Car simulant un départ, pour tromper tout le monde et mon défenseur, et le Juge, qui le lendemain matin à 11 heures devait prononcer sa sentence, et l'autorité elle-même, on avait fait partir le train à son heure habituelle, 10 heures, et on l'avait arrêté pendant trois ou quatre heures à la station dont je parle plus haut. On m'enferma, sous la garde de trois hommes, dans un compartiment réservé aux employés de la Compagnie. Je vis passer un de mes avocats à New York, Mr. Spilthorn, la seule personne probablement qui ait pu réussir à s'apercevoir de mon enlèvement. Je voulus lui parler ; on m'en empêcha par la force. Arrivé à Québec, je fus placé à bord du "Damascus," dont on avait retardé le départ, et où l'avocat, dont je viens de parler, demanda en vertu de quel ordre on m'enlevait ainsi. Les personnes qui m'entouraient répondirent qu'elles n'avaient pas de comptes à lui rendre ; qu'elles exécutaient des ordres, et n'avaient aucune pièce à montrer : il se retira, en protestant contre cet incroyable abus de la force.

Arrivé à Liverpool, où ne se trouvait pas de Magistrat compétent pour connaître de mon affaire, on me dirigea sur Londres, où je devais, disait-on, trouver ce Magistrat. Là on me conduisit de nuit à un hôtel, situé dans une rue dont j'ignore le nom, ainsi que celui de l'hôtel. Trois personnes y vinrent ; on me dit que c'étaient des avocats prévenus par une dépêche de M. Doutre, mon défenseur à Montreal. Après une conversation, hors de ma présence, entre ces messieurs et un Canadien qui m'accompagnait depuis Montréal, avec l'Agent de la Police Française, ces trois personnes se retirèrent, sans que je pusse avoir aucune communication avec elles. A 6 heures du matin on me fit sortir de l'hôtel, et on me conduisit au chemin de fer pour Douvres, d'où on m'embarqua pour la France.

Quand j'aurai dit à votre Excellence que la sentence du premier Juge m'inculpe du crime de faux que je crois n'avoir commis, ni selon les lois Françaises ni selon les lois Anglaises; que dans le procès intenté contre moi à New York on avait même abandonné ce chef d'accusation; que l'avocat de la Couronne à Montréal a reconnu lui-même que je n'avais pas commis ce crime: que, d'ailleurs, je ne demande point à être rendu à l'Angleterre pour y être mis en liberté, mais seulement pour que le procès interrompu à Montréal par la force continue, ou que je suis prêt, si on le préfère, à le subir devant la Haute Cour d'Angleterre, ou n'importe quelle autre juridiction, il me semble que le Gouvernement de la Reine pourra être touché de ces graves motifs, et vous priera de me réclamer au Gouvernement de l'Empereur.

Je prie votre Excellence de vouloir bien transmettre ma lettre au Gouvernement Anglais, et de m'en accuser réception.

J'ai, &c.

Earl Cowley, (Signé) E. S. LAMIRANDE.
&c. &c. &c.

P.S.—La pièce qui manquait aux personnes qui m'enlevaient était, je crois, celle exigée par le Traité, en vertu de laquelle j'aurais pû être arrêté régulièrement en France sous l'inculpation du crime pour lequel on demandait mon extradition.

Je viens d'apprendre à l'instant qu'on devait me transférer demain à la Prison de Poitiers (Département de la Vienne), où je prie votre Excellence de me faire connaître le résultat de mes réclamations.

Mes noms et prénoms sont, Sureau Lamirande, Charles Constant Ernest.

E. S. L.

No. 2. No. 2.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Viscount Monck.

(No. 67.)

My Lord, Downing Street, September 27, 1866.

WITH reference to my despatch No. 61* of the 22nd instant, calling for a report on the case of Lamirande, I have the honour to inform your Lordship that the Secretary of State for Foreign Affairs has instructed Her Majesty's Ambassador at Paris to address a representation to the French Government with a view of delaying any further judicial proceedings against the prisoner until Her Majesty's Government are in possession of more authentic information in regard to this case. * Page 97.

I have, &c.

Viscount Monck, (Signed) CARNARVON.
&c. &c. &c.

No. 3. No. 3.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Viscount Monck.

(No. 84.)

My Lord, Downing Street, October 27, 1866.

I HAVE the honour to acknowledge your Lordship's despatch No. 155† of the 6th instant, explaining the circumstances under which a prisoner, named Lamirande, was delivered by the Canadian authorities to the French police while his case was under the hearing of the Court of Queen's Bench at Montreal, and before the writ of *habeas corpus* was issued. I will only now say that I have read with great concern the history of this transaction which is engaging the anxious consideration of Her Majesty's Government. † Page 1.

I have, &c.

Viscount Monck, (Signed) CARNARVON.
&c. &c. &c.

No. 4.

No. 4.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Viscount Monck.

(No. 110.)

My Lord, Downing Street, November 24, 1866.

HER Majesty's Government have had under their consideration your despatches noted in the margin,* respecting the case of E. S. Lamirande recently surrendered to the French authorities.

This person was apprehended on a charge of forgery committed in France, under a warrant issued by you on requisition of the French Consul-General. He was brought duly before a Magistrate, and on the 22nd of August committed by him to gaol with a view to his surrender. But some days before that date you were informed that the prisoner intended to apply for a writ of *habeas corpus* (as he was clearly entitled to do), and you promised that time for making such an application should be allowed.

On the 24th of August you signed a warrant authorizing the prisoner's surrender. This step you took on the advice of your Solicitor-General, and you state that when you took it neither you nor he were aware that any application had been made for a writ of *habeas corpus*. You did not take any steps to ascertain this point; but as two days appeared to have elapsed since the committal of the prisoner to gaol, you considered that ample time had been allowed to enable him to obtain that writ.

The application in fact was made and argued before the Court of Queen's Bench at Montreal, on the very day on which you signed your warrant at Quebec. The Judge had reserved his decision till the following day. Meanwhile the warrant once signed by you had become available by those who were interested in its immediate execution. On the evening of the 24th it was presented to the prison authorities at Montreal who, of course, were bound to obey it. Under its authority Lamirande was delivered over and at once sent off to France.

The next morning the Court declared him entitled to his release.

Various questions have been raised with reference to this surrender, which, it is necessary to observe, purported to be made under authority of the Imperial Act 6 and 7 Vict., cap. 75. For the purposes of that Act (which in this respect is differently framed from a similar Act of the same year relating to the United States), I am advised that the requisition for Lamirande's delivery ought to have been made not by the Consul, but by a "Diplomatic Agent," in the strict sense of that phrase, and that the facts alleged against him did not constitute the crime of forgery, according to the English law, on the plea of which his surrender was claimed.

These, however, are matters on which I am not surprised that you should have guided yourself, by the advice which you received from your Solicitor-General. I can only regret that his opinion, on the faith of which your warrant was signed, should have so materially differed from that adopted by the Court of Queen's Bench in Canada, and by Her Majesty's Law Officers in this country.

The proceeding by which the French authorities were enabled to obtain possession of the person of Lamirande, requires, I am sorry to say, more serious notice from me. You appear to consider that, having reference to the nature of the offences charged against this person, to the general duty of contributing by all proper means to the execution of substantial justice, and to the written and unwritten obligations which subsist between England and France—two civilized and friendly nations—it was your duty to allow to the prisoner little more than the smallest possible time within which it was practicable for him to obtain a decision on his application for the writ of *habeas corpus*. I by no means undervalue the considerations by which your judgment was influenced. I need hardly say that I give you entire credit for being exclusively actuated by them. But I am obliged to add that I wholly dissent from the conclusion at which you arrived. Being fully informed of the prisoner's intention to apply to the Supreme Court, it was your duty not to regulate your conduct by conjectures which any accident might disturb, and which the time required by the Judge for deliberation did in fact disturb; but to take care that the authority which you hold from Her Majesty was not directly or indirectly abused to frustrate the administration of justice in a matter which had

* No. 155, October 6, page 1; No. 164, October 18, page 12; No. 173, October 25, page 62; No. 174, October 25, page 65; No. 175, October 25, page 66; and No. 182, October 31, 1866, page 91.

been brought by legitimate means under the cognizance of a Court of Law, and was being effectively prosecuted by the parties interested. You observe that the prisoner has no right to take advantage of his own negligence in obtaining the writ of *habeas corpus*, which would have afforded him the necessary protection; but I think that you here assume a negligence on his part which, as far as the papers before me enable me to judge, has had no existence. For some days you had had reason to anticipate that Lamirande's person would be brought under the protection of the Queen's Bench, and before you authorized his surrender to the French authorities it would have been only a proper exercise of your discretion to have ascertained whether he was or was not under that protection. The omission to take this precaution has led to a most unfortunate abuse of your authority.

The probable, or even, if it were so, the undoubted guilt of the prisoner cannot affect the question. A great scandal has taken place, and an insult has been passed upon the dignity of the law and the regular administration of justice in the Canadian Courts. It is true, as you say, that a person charged with the offences, and arrested under the circumstances of this case, deserves no special favour or indulgence at the hands of the authorities, but he has a right to the protection which every accused person can claim under the humane principles of the English law, and any abridgment of that protection tends to shake the confidence of society in the execution of justice, and inflicts a wrong upon the individual. In this case I am obliged, therefore, with whatever reluctance, to express my decided disapproval of the course which your Lordship was induced to adopt.

With the conduct of those Canadian officers who have taken part in this transaction I am less immediately concerned. As from the course which circumstances have taken in this case there is no question of any demand made by a foreign Power upon Great Britain, and no question of Imperial duty arises, it appears to me a matter which may properly be considered as falling within the province of Canadian administration. The subordinate officers who have had a share in the surreptitious withdrawal of Lamirande are responsible to their superiors, and their superiors to the Parliament, the constituencies, and the public opinion of Canada. Whilst I think that the further investigation into this matter properly belongs to the Provincial authorities, I feel that I should not be discharging my duty if, after taking the best opinion at my command, I did not inform you that the explanations hitherto afforded by your Solicitor-General of his conduct in obtaining the warrant whilst the case was actually under the hearing of the Judge, would not have been deemed satisfactory by Her Majesty's Government.

I am not obliged to express any further opinion on this part of the subject beyond what is implied in the observations which I have addressed to yourself. I shall have performed my duty as the servant of the Queen in communicating to your Lordship, to whom Her Majesty's authority is delegated in one of the most important of her Colonies, the judgment of her Advisers respecting the course which you have adopted in this case, and the principles by which, in any future question of a similar kind, they desire you to be guided.

I have, &c.

Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

No. 5.

Copy of a DESPATCH from the Right Hon. the Earl of Carnarvon to Viscount Monck.

(No. 114.)

My Lord, Downing Street, December 14, 1866.

I HAVE been officially informed that the Frenchman Lamirande has been tried in France, and that he has been found guilty of forgery ("faux"). He has been sentenced to ten years' reclusion, and from this decision he has appealed to the Court of Cassation, where the whole question will be considered.

I have not yet received a full report of the proceedings on the recent trial.

I am informed that the punishment of reclusion is more severe than that imprisonment, and it carries with it the penalty of the loss of all civil rights.

I have, &c.

Viscount Monck, &c. &c. &c.

(Signed) CARNARVON.

Correspondence with the Governor-General of Canada respecting the Extradition of M. Lamirande.

Presented to both Houses of Parliament by Command of Her Majesty. *March* 1867.

LONDON:
PRINTED BY HARRISON AND SONS.

CANADA RAILWAY LOAN.

RETURN to an Order of the Honourable The House of Commons, dated 26 March 1867;—*for*,

COPY "of recent CORRESPONDENCE between the COLONIAL OFFICE and the TREASURY respecting the proposed Guarantee of the INTERCOLONIAL RAILWAY LOAN (*British North America*)."

Treasury Chambers, 27 March 1867.

GEORGE WARD HUNT.

— No. 1. —

Sir *F. Rogers* to the Secretary to the Treasury.

Sir, Downing-street, 13 March 1867.

THE Bill for the confederation of the three principal North American Provinces having now passed the two Houses of Parliament, the Duke of Buckingham and Chandos directs me to request that you will call the attention of the Lords Commissioners of the Treasury to the state of the negotiations which have taken place respecting the completion of a railway from Halifax to Quebec, and a proposed guarantee by this country of the sum of 3,000,000 *l.* to be expended upon that object.

The history of the transactions relating to this guarantee is given in a printed statement drawn up in this Department, of which I enclose a copy.*

It will be seen (pages 10, 11, 12), that in 1862 the then Government of this country caused to be embodied in two Treasury Memoranda the terms on which they would consent to propose such a guarantee to Parliament. As far as the Imperial Government was concerned, the leading conditions were—

1. That the debt should be paid off at certain fixed periods ranging from 10 to 40 years with adequate provisions (which are specifically set forth), for the maintenance of a sinking fund.
2. That the line and surveys should be approved by Her Majesty's Government.
3. That Her Majesty's Government should be satisfied first that the line could be constructed without further application for Imperial guarantee, and next, that the Colonial revenues were sufficient to meet the charges intended to be imposed on them.

In 1864 it was stated by the Duke of Newcastle, with the concurrence of the Treasury, that Her Majesty's Government considered the above offer as still subsisting, "but would certainly cease to do so unless a definitive arrangement were made, and the necessary Colonial laws passed, within five years of the date of the first Memorandum, *i. e.*, before December 1867."

The transactions which have resulted in uniting the three Provinces in one "dominion" have rendered impossible the literal performance of the condition imposed by the Duke of Newcastle, but they furnish additional reasons for proceeding with the completion of the railway, and they greatly facilitate the arrangements for that purpose, as the Government will now only deal with one body politic instead of three, and with a body politic which is pledged in the most public way to the speedy construction of the railway by a clause inserted in an Act of Parliament at the urgent desire of its authorised Representatives.

The

* *See* Enclosure in No. 5.

The Duke of Buckingham and Chandos is therefore of opinion that no time should be lost in fulfilling the pledges given by the late, and adopted in spirit as well as letter by the present, Government; and he would submit to the Lords of the Treasury the propriety of introducing into Parliament a Bill which will enable their Lordships to give the Imperial guarantee to a loan of 3,000,000 *l.* on performance of the conditions specified in the Treasury Memoranda of 1862, with such modifications as Parliament may sanction or require.

It only remains to observe that their Lordships will obtain the fullest information relating to the state of the Canadian finances from Mr. Galt, who is now in this country; and that it will not be practicable to insist on a literal performance of the condition which is numbered 9 in the Treasury Memorandum of 1862. The approval by Her Majesty's Government of the line of railway, and the proof that such line can be constructed without further application for an Imperial guarantee must, of course, be made a condition precedent of the guarantee itself, but under present circumstances cannot precede the application to Parliament for power to give that guarantee.

I annex a copy of a Memorandum respecting the financial position and trade of British North America, and certain reports, surveys, and maps on the subject of the proposed line.

I am, &c.
(signed) *Frederic Rogers.*

Enclosure in No. 1.

MEMORANDUM respecting the Financial Position and Trade of British North America.

REVENUE and EXPENDITURE for last Financial Year.

	Dollars.	*Dollars.*
REVENUE.		
Canada		12,432,748
Nova Scotia		1,665,071
New Brunswick		1,212,021
		15,309,840
EXPENDITURE.		
Canada	11,711,320	
Nova Scotia (about)	1,600,000	
New Brunswick	1,080,047	
		14,391,367
SURPLUS		918,473
N.B.—MILITIA EXPENDITURE LAST YEAR.		
Canada	1,638,868	
Nova Scotia	156,460	
New Brunswick	152,148	
		1,947,476
PUBLIC DEBT OF "CANADA" WILL BE—		
Ontario and Quebec	62,500,000	
Nova Scotia	8,000,000	
New Brunswick	7,000,000	
		77,500,000
CHARGES ON PUBLIC DEBT LAST YEAR.		
Canada	3,692,412	
Nova Scotia	297,580	
New Brunswick	349,283	
		4,339,275
After Union will be about	*Dollars*	4,350,000

TRADE and SHIPPING.

	Total.	From Great Britain.
*IMPORTS.	*Dollars.*	*Dollars.*
Canada	48,610,477	28,984,599
Nova Scotia	14,381,662	6,315,988
New Brunswick	7,086,595	2,284,449
	70,078,734	37,585,036
*EXPORTS.		
Canada	53,930,789	12,766,668
Nova Scotia	8,830,693	764,472
New Brunswick	5,534,726	2,594,651
	68,296,208	16,125,791

TONNAGE.

Entries Inwards—	*Tons.*	*Tons.*
Canada	938,946	
Nova Scotia	929,929	
New Brunswick	807,161	
		2,676,036
Entries Outwards—		
Canada	1,113,386	
Nova Scotia	772,017	
New Brunswick	754,876	
		2,640,279
		5,316,315
Shipping owned in—		
Canada		230,429
Nova Scotia		403,409
New Brunswick		309,695
		943,533

* Exclusive of coin and bullion.

— No. 2. —

The Secretary to the Treasury to Sir *F. Rogers.*

Sir, Treasury Chambers, 15 March 1867.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to state, for the information of the Duke of Buckingham, that before consenting to propose to the House of Commons a resolution upon which to found a Bill for providing a guarantee of interest upon the comtemplated loan of 3,000,000 *l.* for the purpose of enabling the North American Confederation to construct a railway from Halifax to Quebec, my Lords would wish to be informed in what way and after what examination the line and surveys have been approved by the Colonial Office, and whether the Secretary of State has satisfied himself that the line could be constructed without further application for Imperial guarantee; and in that case they would be glad to be furnished with a detailed statement, showing how that conclusion has been arrived at.

My Lords would further require that the sufficiency of the Colonial revenues to meet the charges to be imposed upon them in respect of this loan should be made out to their satisfaction, after a searching investigation; and they are prepared to enter into this inquiry as soon as the delegates from the three Provinces concerned shall furnish them with the requisite materials, together with all necessary explanation for enabling them to form a judgment in this matter.

I am, &c.
(signed) *George Ward Hunt.*

— No. 3. —

Sir *F. Rogers* to the Secretary to the Treasury.

Sir, Downing-street, 15 March 1867.

In answer to your letter of this day's date relative to the proposed Imperial guarantee for the construction of the intercolonial railway in British North America, I am directed by the Duke of Buckingham and Chandos to request that you will acquaint the Lords Commissioners of the Treasury that he will lay before their Lordships the information which he has received with respect to the estimates of the cost of the proposed railway, together with the reasons on which those estimates are based, and which induce him to believe that the completion of the line will be secured without further charge on the Imperial Government.

His Grace further desires me to request that their Lordships will depute some member of the Treasury to attend at this office to-morrow morning at half-past 10 o'clock to examine the details of the finances of the three principal North American Provinces, in conjunction with his Grace and the Under-Secretary of State, in order to prepare a statement of the security on the faith of which Parliament may be asked to authorise the guarantee.

I am, &c.
(signed) *Frederic Rogers.*

— No. 4. —

Treasury Minute, dated 15 March 1867.

In compliance with the request of the Secretary of State, my Lords are pleased to direct Mr. Foster and Mr. Buckland, of this office, to be in attendance at the Colonial Office at half-past 10 to-morrow morning.

— No. 5. —

Sir *F. Rogers* to the Secretary to the Treasury.

Sir, Downing-street, 23 March 1867.

I am directed by the Duke of Buckingham and Chandos to bring under the consideration of the Lords of the Treasury a proposal that Parliament should authorise their Lordships to guarantee the interest of a loan of 3,000,000 *l.* to be raised by Canada for completing a railway which will connect Quebec and Halifax.

This subject has been more or less under discussion since 1848, and in 1862 gave occasion for two Treasury Memoranda, by which Her Majesty's Government offered to recommend to Parliament the proposed guarantee on terms which are there set forth. These Memoranda will be found in pages 10, 11, and 12, of the inclosed printed paper, which has been drawn up in this Office.

The Confederation now on the point of being effected between Canada and the maritime Provinces of British North America renders it possible materially to simplify the terms of that offer. In the first place the whole loan being contracted by the Confederation, it is no longer necessary to distinguish between the interests and obligations of the three several Provinces, or, consequently, to ascertain that the separate revenue of each will be adequate to the charge imposed upon it. In the next place it is no longer necessary to contemplate the possibility that, in the face of unexpected expenses, any one Province might abandon the undertaking in an unfinished state. The whole undertaking will now be in the hands of a single body politic, deeply interested in completing a line of communication essential to its political unity, its commercial progress, and its military defence. Lastly, it will be seen by an annexed paper proceeding from the Representatives of the Confederation now in this country, that those gentlemen are at liberty to make a proposal to which the Delegates of 1862 were not

not prepared to assent, viz·, that the Colonial contribution to the sinking fund shall commence as soon as the loan is raised, instead of 10 years later, at the rate of one per cent.

It thus becomes possible to substitute for the six first Articles of the Memorandum a much simpler arrangement, viz. :—

1. That Parliament shall be asked to authorise the Lords of the Treasury to guarantee the payment of interest on a sum of 3,000,000 *l.* to be borrowed by the Canadian Government for the completion of a railway connecting Quebec and Halifax, on a line to be approved by the Imperial Government.

2. Provided that the Canadian Parliament shall first pass an Act making satisfactory provision for the raising and expenditure of the loan, and charging the Consolidated Fund of Canada (subject only to now existing liabilities and to the cost of collecting the revenue), with the payment of the principal and interest of the loan, and with a contribution to a sinking fund of 30,000 *l.* per annum, being 1 per cent. per annum on the total amount of the loan of 3,000,000 *l.*

3. Such contribution to continue till the whole loan is repaid, or until the sinking fund is equal to the unpaid portion of it, and to be remitted half-yearly to this country, and invested in the names of two trustees appointed, one by the Imperial and one by the Colonial Government.

On the 7th and 8th Clauses of the Memorandum no observation appears to be required.

The 9th Article remains for consideration. It stipulates that Parliament shall not be asked for this guarantee till the line and surveys shall have been submitted to and approved by Her Majesty's Government, nor until it shall be shown to the satisfaction of Her Majesty's Government that the line can be constructed without further application for an Imperial guarantee.

On this article the Duke of Buckingham and Chandos directs me to observe that the circumstances under which the Confederate of the British North American Provinces has been effected render it highly expedient that the question of this guarantee should be decided at once. But as no line has been yet decided upon, or can be decided upon till the Confederate Parliament meets, none can be approved by Her Majesty's Government till after the proposed application is made to the Imperial Parliament. It does not, however, appear to his Grace that this non-compliance with the letter of the Treasury Memorandum is material, if it be distinctly provided by the Act of Parliament that until the line is thus approved their Lordships shall not be at liberty to guarantee the loan.

It is, however, possible and proper that before applying to Parliament, Her Majesty's Government should be satisfied that the Colonial revenue will be equal to the charges which are to be imposed upon it, and that the railway will, in fact, be constructed without application to the British Government for any further guarantee.

There are before his Grace two separate Reports of engineers, containing different estimates of the cost of constructing the line; one of these, which is framed by an engineer of great experience in constructing railways in New Brunswick and also in Maine and other parts of North America, places the cost of the central line at some 3,300,000 *l.*, and that of the longer, or Bay of Chaleur, line at about 4,000,000 *l.* The other is the Report of a gentleman appointed to report on the various suggested lines in substantial accordance with the 7th Article of the Treasury Memorandum. This Report may be said to estimate the expense of constructing the central or longer lines equally at somewhat above 4,000,000 *l.*

Taking 4,000,000 *l.* as the probable cost, the annual charges will be somewhat as follows :—

	£.
Interest, 4 per cent. on 3,000,000 *l.*	120,000
Sinking Fund, 1 per cent.	30,000
Interest, 6 per cent. on 1,000,000 *l.*	60,000
TOTAL Charge £.	210,000

besides any sinking fund which the Canadian Government may think prudent

(but in which the Imperial Government are in no way concerned) on the subsidiary loan of 1,000,000 *l.*

There is no doubt that a mere statement of the revenue and expenditure of the three Provinces for the last few years would not, if taken alone, justify the expectation that this annual charge would be certainly met. The natural indisposition of the Canadians (and it is the Canadian revenue on which this question really turns) to raise more money than is absolutely required, and their large expenditure on public works, very generally of a reproductive character, have caused a frequent excess of expenditure over receipts. But it appears from a Memorandum which is annexed to this letter, that notwithstanding unusually large expenses in connection with the defence of the Colony, the revenues of the united Provinces exceeded their expenditure in 1866 by 918,473 dollars, or about 190,000 *l.*; while the accompanying statistics, compiled from official returns, show a growth in production, in commerce, in population, and, what is not less important, in productive and commercial activity relatively to the population, which, as it appears to his Grace, leaves no doubt that either by the natural increase of the revenue, or, if necessary, by the imposition of fresh taxation, the Confederation will find no difficulty in paying the cost of a public work in the completion of which, as distinct from its partial construction, it has so vital an interest.

The statistics furnished in these Tables relate chiefly to the period between 1851 and 1864 inclusive, and although not sufficiently uniform to be susceptible of any simple mode of comparison, they exhibit among others the following amounts of increase:—

Population - - - - - - -	1851	1,842,265	1867	3,090,936
Exports - - - - - dollars	1850	12,943,795	1865	40,793,960
Tonnage of vessels entered and cleared -	1851	1,230,702	1864	2,088,778
Customs - - - - - dollars	1859	4,555,326	1866	7,328,146
Produce of wheat - - - bushels	1851	15,756,493	1860	27,274,779
Other grain - - - - „	1851	29,920,408	1860	61,215,786
Letters - - - - - - -	1852	3,700,000	1865	12,000,000

Which result in the following Table:—

The population -	was increased in	16	years to the extent of	67	per cent.
Exports -	„	15	„ „	215	„
Tonnage -	„	13	„ „	69	„
Customs (without change in the rates of duty)	„	7	„ „	60	„
Wheat - - -	„	9	„ „	73	„
Grain - - -	„	9	„ „	104	„
Letters - - -	„	13	„ „	224	„

Whether, therefore, we look to the production as shown in the grain crops and exports, or to the consumption as shown in the Customs, or to the trade as shown in the exports, or to the commercial activity as shown in the increase of correspondence, we find that the wealth and effective labour has increased twice or three times as fast as the number of the population, which itself has increased 67 per cent. in 16 years.

Such being the prospects of the country in point of material progress, his Grace desires me to add that he has received from the delegates now in this country an explicit engagement (so far as they are capable of giving it) that the proposed railway shall be prosecuted to a conclusion; that the Canadian Parliament may, in his opinion, properly be required to adopt that engagement as a preliminary to any guarantee, and that no difficulty can well be anticipated in procuring that adoption, as a clause has, at the instance of the whole body of delegates, been inserted in the recent Act of Parliament binding them to make immediate provision for commencing the work.

It may not be out of place here to remind their Lordships that in 1842, when the Canadian revenue was but 300,000 *l.* per annum, the Imperial Government guaranteed a loan of 1,500,000 *l.*, and that this loan was actually paid off in 1859–60, nine years before it was due, not from the proceeds of a fresh loan but from revenue. The loan now proposed is but double that contracted in 1842, and so early repaid, while the revenue of the three Provinces (swollen no doubt by the interest of a considerable debt) has risen to upwards of 3,000,000 *l.*

His

His Grace hopes that this statement will satisfy their Lordships that there is every reason to be assured that Canada both can and will perform her part in this matter. He conceives that Parliament may now properly be asked to authorise their Lordships to give the proposed guarantee, subject to such conditions of detail as their Lordships may consider requisite and sufficient for the security of Imperial interests, and generally to the condition precedent that the Confederate Parliament shall, within two years after the union, pass an Act providing for the construction of the railway upon a line approved by Her Majesty's Government, and charging the Canadian revenue, next after its existing liabilties, first with the principal and interest of the loan; next, with an annual payment of 30,000 *l.* towards the sinking fund; and thirdly, with such sums as may be required over and above the loan of 3,000,000 *l.* for the completion of the railway.

I am, &c.
(signed) *Frederic Rogers.*

Enclosure 1, in No. 5.

MEMORANDUM on the INTERCOLONIAL RAILWAY.

THE previous history of the negociation for an intercolonial railway between Halifax and Quebec has been summed up in various memoranda which have been drawn up from time to time by delegates who have been sent to this country from the North American Provinces to arrange with Her Majesty's Government for aid in its construction. The subjoined extract from a memorandum by Messrs. MacDonald and Rose, from Canada, 1857, gives a clear summary up to that date:—

"In 1838 and 1839, when Canada was invaded by organized parties of marauders from the neighbouring country with the avowed intention of conquest, troops were transported by that route in winter, when the St. Lawrence was closed, with much difficulty, at an enormous expense, and with great suffering to the soldiery; and the imposibility of carrying military stores in sufficient quantities was then also fully proved. Parliamentary Paper, House of Commons, 210 of 1862, page 12.

"Several explorations were consequently made by the military authorities. with a view to the construction of a military road as part of the system of defence of the British North American Colonies. It was then suggested that a railway, besides being of more utility for this purpose than an ordinary road, would be of great commercial benefit to those Provinces, and, at the same time, confer the political advantage of connecting them more intimately with the mother country and with each other.

"As this scheme would cost much more than the road originally intended, and as the Colonies would be so much more benefited thereby, it was thought right that they should contribute to the expense of construction.

"A survey was accordingly made in the year 1848 by Major Robinson and other officers selected by the Imperial Government, but at the expense of the Colonies.

"Several lines were explored by Major Robinson, but he reported the eastern or coast line as preferable, although the longest and most costly, for several reasons, principally of a military character, given by him.

"This route was considered by the Colonies, and especially by New Brunswick, as being comparatively of little value except in a military point of view. It was long and circuitous; it passed through a country but little settled, and could not be expected to make any pecuniary return on the cost of construction for years.

"The interest, therefore, of any monies borrowed by the Province to build the railway would fall entirely on their general revenues, a burden which they were little able to bear. These considerations being strongly pressed on Earl Grey, then Secretary of State for the Colonies, he acknowledged their justice, and in a Despatch, dated 14th March 1851, agreed that the British Government would guarantee the payment of the interest on monies borrowed by the Provinces for the purpose of making the road, on the condition that it should pass exclusively through British territory, but he stated that it need not of necessity

be built on Major Robinson's line. Any deviation from that line was, however, to be subject to the approval of Her Majesty's Government.

"Misapprehension arose between Earl Grey and Mr. Howe, of Nova Scotia, then conducting the negotiation, as to whether, in case Major Robinson's line were adopted, the Imperial guarantee would not also be extended to a lateral railway running from the main line through New Brunswick westward to the frontier of the United States.

"This side line, if constructed, would have much improved the commercial character of Major Robinson's line, as it would have formed a valuable feeder, and connected it with the general railway system of the United States. Acting, therefore, under the belief that the guarantee was to be so extended, the three Provinces of Canada, New Brunswick, and Nova Scotia, made an agreement to construct the railway from Halifax to Quebec in equal proportions, and proceeded to legislate upon it with a view to the immediate execution of the work.

"On its being ascertained that it had not been intended by the British Government to grant the guarantee to the local line above referred to, all the objections to Major Robinson's route revived, and the arrangements between the Provinces fell to the ground.

"Anxiously desiring the construction of the railway, the Provinces, although much disappointed at the frustration of their expectations, entered into a new arrangement.

"They agreed that if the railway was built along the valley of the River St. John, Nova Scotia would advance three-twelfths, Canada four-twelfths, and New Brunswick five-twelfths of the cost of the construction.

"This line promised great commercial advantages and a fair pecuniary return, and at the same time satisfied the condition imposed by the Imperial Government, that it should pass exclusively through British territory. The agreement thus altered was submitted to the Imperial Government for approval, but Sir John Pakington, then Colonial Secretary, in a Despatch dated 20th May 1852, intimated his disapproval of the proposed deviation from the eastern line, and that he, therefore, did not feel warranted in recommending the guarantee to Parliament. He, however, at the same time stated that the Imperial Government was by no means insensible to the great national object involved in the construction of the line, and that the most favourable attention would be given to any modification of the proposals then before him. The negotiations thus fell a second time to the ground."

Delegates of 1857, Proposals of.

The plan proposed in 1857 by the delegates from Canada and Nova Scotia was as follows :

House of Commons, 210 of 1862, page 14.

In 1841 Canada had obtained from the Imperial Government a guarantee of interest on a loan of 1,500,000 *l.* for the construction of public works. The delegates of 1857 suggested that "the amount of this loan, including the sinking fund, should be granted by the Imperial Government in aid of the construction of the railway," and also that the Imperial Government should give a guarantee of the bonds of the Provinces of Nova Scotia and New Brunswick to the extent of their respective contributions.

Answer to Delegation of 1857.

This proposal was answered in a Despatch to the Governor of Canada, dated 15th of May 1858, in the following terms :

House of Commons, 210 of 1862, page 3.

"Although participating with the members of the several local Governments, and with their own predecessors in office, in a strong sense of the importance of this object, Her Majesty's advisers cannot feel themselves justified in applying to Parliament for the required guarantee. Their reasons for declining to take this step are solely of a financial description. They feel that the heavy expenditure to which this country has been subjected of late years, and the calls upon the resources of the empire for pressing emergencies, do not leave them at liberty, for the present at least, to pledge its revenue to so considerable an extent for the purpose of assisting in the construction of public works of this character, however in themselves desirable."

Delegation of 1858.

The question was again brought under the notice of Her Majesty's Government in 1858, by delegates from Canada, Nova Scotia, and New Brunswick. They

They estimated that 3,500,000 *l.* was required for the completion of the railway, and stated that "if the 1,500,000 *l.* which Canada owes to, and proposes to raise and pay off at once to the Imperial Government be appropriated, there remain but 2,000,000 *l.* more to be provided." To meet the interest on this sum, each of the three Provinces proposed to contribute to the extent of 20,000 *l.* sterling in each year. House of Commons, 210 of 1862, page 10.

To these proposals, the Secretary of State replied in a despatch dated the 24th of December 1858, of which the following is an extract :—

"However important may be the foregoing advantages, it has been found that objects of interest to Great Britain yet more urgent must yield to the necessity of not unduly increasing at the present moment the public burthens. For this reason I can only express my deep regret that, while doing full justice to the ability of the arguments advanced by the gentlemen who visited this country as delegates upon the subject, and while far from undervaluing the benefits of an intercolonial communication by railway, Her Majesty's Government have not found themselves at liberty to accede to the proposal of granting Imperial aid towards the completion of the line between Halifax and Quebec." Answer to Delegation of 1858.

In the autumn of 1861 delegates from the three Provinces were again commissioned to treat with Her Majesty's Government for the construction of the railway. The terms then proposed were as follows :— Delegation of 1861.

"To sum up, the proposal made to the British Government is to join the three Provinces, in a guarantee of 4 per cent. upon 3,000,000 *l.* sterling, the assumed cost of the proposed works, less the cost of the right of way, which the Provinces will provide. The Provinces are ready to pass Bills of supply for 60,000 *l.* a year, if the Imperial Government will do the same ; and as no doubt this Imperial route will gradually work on with increasing returns, the sum of the risk will gradually diminish, until at last, and perhaps before many years are over, the liability may cease altogether. The Canadian Railway Companies are open to treat for the working of the new line, so as to avoid any liability beyond the gross amount of the joint guarantee. The selection of the route of the line is left solely to the British Government. House of Commons, 210 of 1862, page 5.

"Should the British Government prefer to raise the capital for building the road, their outside responsibility under such arrangements would be $3\frac{1}{4}$ per cent. on 3,000,000 *l.*, or about 97,500 *l.* a year, and the Provinces would still be responsible for one-half, leaving a net liability to the British Government of only 48,750 *l.* a year ; but if they are not disposed thus to increase their nominal and decrease their real responsibility, the sum required for the estimated length of 350 miles of railway, namely, 3,000,000 *l.*, can be raised on the terms named; viz., by the mutual guarantee of 120,000 *l.* a year, or 60,000 *l.* a year from the provinces and 60,000 *l.* a year from the British Government, which guarantee will enable the issue at par of 3,000,000 *l.* of 4 per cent. stock."

These proposals of the delegates were answered by the late Duke of Newcastle, on the 12th of April 1862, as follows :—

"I much regret to inform you that, after giving the subject their best consideration, Her Majesty's Government have not felt themselves at liberty to concur in this mode of assistance. Anxious, however, to promote as far as they can the important object of completing the great line of railway communication on British ground, between the Atlantic and the westernmost parts of Canada, and to assist the Provinces in a scheme which would so materially promote their interests, Her Majesty's Government are willing to offer to the Provincial Governments an Imperial guarantee of interest, towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway. This was the mode of action contemplated by Earl Grey in the year 1851, and is the same method which was adopted by Parliament in the Act of 1842, in order to afford to Canada the benefit of British credit in raising the money with which she has completed her great system of internal water communications. The nature and extent of the guarantee which Her Majesty's Government could undertake to recom- Answer to Delegation of 1861. House of Commons 210 of 1862, page 23.

mend to Parliament must be determined by the particulars of any scheme which the Provincial Governments may be disposed to found on the present proposal, and on the kind of security which they would offer.

"I fear that this course will not be so acceptable to the Provincial Governments as that which the delegates were authorised to propose for consideration. It is, however, the only one in which Her Majesty's Government, after anxious deliberation, feel that they would be at liberty to participate. I trust that the proposal will at all events be received as a proof of their earnest wish to find some method in which they can co-operate with the Provinces in their laudable desire to complete a perfect intercolonial communication over British territory. And it will be a source of sincere pleasure to me if, adverting to all the different bearings of the subject, and to the condition of their respective finances, the Provincial Governments should end by finding it in their power to make use of the present offer, and to propound some practicable scheme for applying it to the attainment of the desired object."

Delegation of 1862.

In consequence of this counter proposal of the Secretary of State, a meeting of delegates was held at Quebec in September 1862, where the following resolutions were passed:—

Resolutions of Delegates at Quebec.

House of Commons, 530 of 1864, page 3.

"The undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the despatch of his Grace the Duke of Newcastle, of the 12th April 1862, with reference to the colonial railway, having given the very important matters contained in that despatch their attentive consideration, are agreed:

"I. That, whilst they have learned with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made on behalf of these Provinces in December 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of 'an Imperial guarantee of interest towards enabling them to raise, by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway.'

"II. That, with an anxious desire to bind the Provinces more closely together, to strengthen their connection with the mother country, to promote their common commercial interests, and to provide facilities essential to the public defences of these Provinces as integral parts of the Empire, the undersigned are prepared to assume, under the Imperial guarantee, the liability for the expenditure necessary to construct this great work.

"III. That the three Governments are agreed that the proportions of liability for the necessary expenditure shall be apportioned as follows, viz., five-twelfths for Canada and seven-twelfths to be equally divided between the Provinces of New Brunswick and Nova Scotia.

"IV. But it is understood that the liability for principal and interest shall be borne by each Province, to the extent only of the proportion hereby agreed upon.

"That in arriving at this conclusion, the undersigned have been greatly influenced by the conviction that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which every Imperial interest in North America is most deeply involved. And the undersigned are agreed, that to present properly this part of the subject to the Imperial authorities, the three Provinces will unite at an early day in a joint representation on the immense political and commercial importance of the western extension of the projected work."

"MEMORANDUM agreed at the Conference of the Delegates of *Nova Scotia* and *New Brunswick* and the Government of *Canada*.

House of Commons, 530 of 1864, page 10.

"1. If it should be concluded that the work shall be constructed and managed by a joint Commission of the three Provinces, it shall be constituted in the proportion of two appointed by the Government of Canada, and one each by the Governments of Nova Scotia and New Brunswick—the four to select a fifth before entering upon the discharge of their duties.

"2. That

"2. That a joint delegation proceed, with as little loss of time as possible, to England, to arrange with the Imperial Government the terms of the loans, the nature of the securities required, the amounts to be paid for the transport of troops and mails, and, if possible, to obtain a modification of the terms proposed to the extent of the interest accruing during the construction of the work.

"3. That no surveys be authorized until the laws contemplated shall have been passed, and the Joint Commissioners appointed.

"4. That any profit or loss, after paying working expenses, shall be divided in proportion to the contributions of the several Provinces.

"5. That such portions of the railways now owned by the Governments of Nova Scotia and New Brunswick which may be required to form part of the Intercolonial Road shall be worked under such joint authority as may be appointed by the three Provinces. That the rates collected shall be uniform over each respective portion of the road. That all net gain or loss resulting from the working and keeping in repair of any portion of the road constructed by Nova Scotia or New Brunswick, and to be used as a part of the Intercolonial Railway, shall be received and borne by the said Provinces respectively; and the surplus (if any) after the payment of interest, shall go in abatement of interest on the Crown lands required for the line or for stations, shall be provided by each Province (*sic*).

(signed) "*Thos. D. M'Gee*, President of Council.
"*Joseph Howe.*
"*S L. Tilley.*"

In accordance with these Resolutions, Delegates were forthwith sent to this country, and, after conferences with Her Majesty's Government, the subjoined Memorandum was prepared at the Treasury, explanatory of the terms on which Her Majesty's Government could concur, subject to the sanction of Parliament, in the proposed plan of assistance to the contruction of the Intercolonial Railway:—

"TREASURY MEMORANDUM.

"It is proposed:—

Terms offered by Her Majesty's Government to Delegates of 1862. House of Commons, 530 of 1864, page 14.

"1. That Bills shall be immediately submitted to the Legislatures of Canada, Nova Scotia, and New Brunswick, authorizing the respective Governments to borrow 3,000,000 *l.*, under the guarantee of the British Government, in the following proportions:—5-twelfths, Canada; 3½-twelfths, Nova Scotia; 3½-twelfths, New Brunswick.

"2. But no such loan to be contracted on behalf of any one Colony until corresponding powers have been given to the Governments of the other two Colonies concerned, nor unless the Imperial Government shall guarantee payment of interest on such loan until repaid.

"3. The money to be applied to the completion of a railway connecting Halifax with Quebec, on a line to be approved by the Imperial Government.

"4. The interest to be a first charge on the Consolidated Revenue Funds of the different Provinces, after the Civil List and the interest of existing debts; and as regards Canada, after the rest of the six charges enumerated in the 5 & 6 Vict. cap. 118, and 3 & 4 Vict. cap. 35, (Act of Union).

"5. The debentures to be in series as follows, viz.:

250,000*l.*	to be payable	10 years	after contracting loan.
500,000*l.*	„	20 years	„
1,000,000*l.*	„	30 years	„
1,250,000*l.*	„	40 years	„

In the event of these debentures, or any of them, not being redeemed by the Colonies at the period when they fall due, the amount unpaid shall become a charge on their respective revenues, next after the loan, until paid. The principal to be repaid as follows:

"First decade (say 1863 to 1872 inclusive), 250,000 *l.* in redemption of the first series, at or before the close of the first decade from the contracting of the loan.

"Second decade (say 1873 to 1882 inclusive), a sinking fund of 40,000 *l.* to be remitted annually, being an amount adequate, if invested at 5 per cent. compound interest, to provide 500,000 *l.* at the end of the decade; the sum to be remitted annually to be invested, in the names of trustees, in colonial securities of any of the three Provinces prior to or forming part of the loan to be raised, or in such other colonial securities as Her Majesty's Government shall direct, and the then Colonial Governments approve.

"Third decade (say 1883 to 1892 inclusive), a sinking fund of 80,000 *l.* to be remitted annually, being an amount adequate, if invested at 5 per cent. compound interest, to provide 1,000,000 *l.* at the end of the decade; the amount when remitted to be invested, as in the case of the sinking fund for the preceding decade.

"Fourth decade (say 1893 to 1902 inclusive), a sinking fund of 100,000 *l.* to be remitted annually, being an amount adequate, if invested at 5 per cent. compound interest, to provide 1,250,000 *l.*, being the balance of the loan at the end of the decade. This amount, when remitted, to be invested as in the preceding decade.

"Should the sinking fund of any decade produce a surplus, it will go to the credit of the next decade; and in the last decade the sinking fund will be remitted or reduced accordingly.

"It is of course understood that the assent of the Treasury to these arrangements presupposes adequate proof of the sufficiency of the Colonial revenues to meet the charges intended to be imposed upon them.

"6. The construction of the railway to be conducted by five Commissioners, two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick; these four to choose the remaining Commissioner.

"7. The preliminary surveys to be effected, at the expense of the colonists, by three engineers and other officers nominated, two by the Commissioners and one by the Home Government.

"8. Fitting provision to be made for carriage of troops, &c.

"9. Parliament not to be asked for this guarantee until the line and surveys shall have been submitted to and approved of by Her Majesty's Government, and until it shall have been shown to the satisfaction of Her Majesty's Government that the line can be constructed without further application for an Imperial guarantee."

This memorandum was communicated to the delegates, and with a subsequent explanation from the Treasury* on two points raised by the Delegate from New Brunswick (Mr. Tilley), was accepted by the Governments of Nova Scotia and New Brunswick, and Acts were duly passed by the Legislatures for carrying out the scheme. The Canadian Delegates (Messrs. Sicotte & Howland), however, objected to various conditions in the proposals of Her Majesty's Government,† that relating to the sinking fund, and others; and in a Minute of

House of Commons, 530 of 1864, page 33.

Ibid., page 27.

Ibid., page 16.

House of Commons, 530 of 1864, page 26.

* With reference to the two questions raised by Mr. Tilley upon the stipulations embodied in the Memorandum relating to the proposed loan for the construction of an Intercolonial Railway, the Treasury considers that an answer should be sent to the following effect:—

1. Her Majesty's Government never contemplated acquiring a precedence over existing engagements of the Colonial Governments, whether for interest or principal; but the assent of the Treasury to the arrangement, as stated in Article 5, presupposes adequate proof of the sufficiency of the Colonial revenues to meet the charges imposed upon them, which charges would comprise not only the Civil List, and the accruing interest of any existing debt standing in priority to the proposed railway loan, but also any payment of principal standing in the same priority, which may fall due within the period at the expiration of which the railway loan is required to be fully liquidated, as well as the current interest and the decennial accumulation for extinction of principal, of the proposed railway loan.

No statement of revenue or liabilities which would afford this evidence has as yet been exhibited to Her Majesty's Government.

2. In the event of the proposed arrangement being carried into effect, the Treasury will not object to issue the debentures, upon the precedent of the Canada Guaranteed Loan of 1843, under the hand of the Lords Commissioners, and to authorise one of their officers to act as trustee, together with a nominee of the Colony, for the investment in their joint names of the instalments remitted from time to time on account of sinking fund, provided such a course shall be deemed advisable by the Colonial Governments.

Ibid., page 24.

† Inclosed in the above letter from Messrs. Sicotte & Howland was a copy of the Treasury Memorandum and Schedule, but with the addition of the following note by themselves:—

It is proposed by the Delegates—

1. That the loan shall be for 3,000,000 *l.* sterling.

of the Executive Council, dated 29th September 1863, the views of the Canadian Government relative to the result of the negotiations are thus expressed: "The negotiations founded upon the understanding entered into by the Convention of September 1862 were regarded as terminated with the return of the delegates to this Province, and it was hoped that the Report of this Council of 25th of February last would have sufficed to prevent misconception as to the necessary abandonment of the basis upon which the negotiations up to that time had been founded, and to show that any further action by the Government of this Province must be the subject of subsequent consideration." Ibid., page 36.

The result is, that the Legislature of Canada did not feel itself called upon to pass the contemplated Act. In the meantime, the Acts of Nova Scotia and New Brunswick have ceased to exist. They were limited to a duration of two years.

Her Majesty's Government, however, as appears from a letter to Mr. Watkin, dated the 19th of March 1864, at that date considered their offer as still existing, but, it is stated, would certainly cease to do so unless a definitive arrangement were made, and the necessary colonial laws passed, within five years from the date of the first Memorandum, *i. e.*, before December 1867. Ibid., page 45.

Since the foregoing correspondence, &c. took place, Canada has, at the provincial expense, caused an exploratory survey of the proposed line to be made; and the result of this survey, embodied in a Report by Mr. Sandford Fleming, was forwarded to the Secretary of State by the Governor in August last.

The question of the Intercolonial Railway has now merged in that of the Union of the British North American Provinces, and a resolution for the construction of the railway forms one of those adopted at the Conference on Union which was held at Quebec in October 1864; and the Government of Canada have given an assurance that they regard the construction of the Intercolonial Railway as a necessary accompaniment and condition of Confederation, and that not a day will be unnecessarily lost after the accomplishment of Confederation in commencing the work and prosecuting it to completion. Governor, 8,317 of 1865.

In the meantime, however, it appears that the Governments of Nova Scotia and New Brunswick contemplate co-operating together to construct a link of railway to connect the two Provinces. This line would be carried from Truro, in Nova Scotia, to a place called the Bend, in New Brunswick; the distance between these places is about 115 miles. From the Bend on to Rivière-du-Loup, the present terminus of the railway in Canada, is a distance of about 260 miles. Railway between Truro and the Bend. Mr. Fleming's Report, page 20.

In

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2. That the liability of each Colony shall be apportioned as follows:—

1,250,000 *l.*	for Canada.
875,000 *l.*	for New Brunswick.
875,000 *l.*	for Nova Scotia.

3. That the debentures issued shall bear interest at the rate of 3½ per cent.

4. That the interest shall be paid half-yearly, in London, on the 1st of May and the 1st of November.

5. That the loan shall be repaid in four instalments:

250,000 *l.*	in ten years.
500,000 *l.*	in twenty years.
1,000,000 *l.*	in thirty years.
1,250,000 *l.*	in forty years.

6. That the net profits of the road shall be applied towards the extinction of the loan.

7. That the loan shall be the first charge upon the revenues of each Colony, after the existing debts and charges.

8. That the Imperial Government shall have the right to select one of the engineers appointed to make the surveys for the location of the line.

9. That the selection of the line shall rest with the Imperial Government.

10. If it is concluded that the work is to be constructed by a joint Commission, it shall be constituted in the following proportions:—Canada shall appoint two of the Commissioners, New Brunswick and Nova Scotia, each, one.
These four shall name a fifth before entering upon the discharge of their duties.

11. Such portions of the railways now owned by the Governments of Nova Scotia and New Brunswick which may be required to form part of the Intercolonial Road will be worked under the above Commission.

12. All net gain or loss resulting from the working and keeping in repair of any portion of the roads constructed by Nova Scotia or New Brunswick, and to be used as a part of the Intercolonial Road, shall be received and borne by these Provinces respectively, and the surplus, if any, after the payment of interest, shall go in abatement of interest, on the whole line between Halifax and Rivière-du-Loup.

13. That the rates shall be uniform over each respective portion of the road.

14. That Crown lands required for the railway or stations shall be provided by each Province.

In the event of the two Provinces constructing the portion of the line above referred to, and of its eventually becoming part of the whole Intercolonial Railway, Her Majesty's Government, so far as they are concerned, will consider it to form part of the scheme to which the proposed Imperial guarantee would be extended.

This decision is conveyed in the annexed letter to Mr. Watkin, which was communicated to the Governors of the British North American Provinces in March 1864:—

"Sir, "Downing-street, 19 March 1864.

"The Duke of Newcastle desires me to inform you that he has received from the Lords of the Treasury a copy of your letter of the 15th of February, contemplating the construction, by New Brunswick and Nova Scotia, of the first link of the Intercolonial Railway between Truro and the Bend, and suggesting that the line so constructed should be held to be part of the larger scheme contemplated in the laws recently passed by those two Provinces, and by the Memoranda of December 1862 and January 1864, recited in those laws.

"I am directed by his Grace to inform you in reply that if the Lower Provinces shall, at their own expense, commence the construction of a railway on a line approved by Her Majesty's Government between Truro and the Bend, and if subsequently the proposed loan of 3,000,000 *l.* shall be raised under the Imperial guarantee in virtue of the offer contained in the above Memoranda, the railway between Truro and the Bend, and the works constructed thereupon by the Lower Provinces, shall (as far as Her Majesty's Government is concerned) be considered to form part of the railway on which the loan of 3,000,000 *l.* is to be expended, and that his Grace sees no reason for requiring any change in that part of the Memoranda which declares that 5-12ths of the loan shall be chargeable against Canada, 3½-12ths against Nova Scotia, and 3½-12ths against New Brunswick.

"The further question, what part of that sum of 3,000,000 *l.* should be paid over to New Brunswick and Nova Scotia, in consequence of the works affected by them without the concurrence of Canada, will be mainly a question for the Provincial Governments, in which it must be understood that Her Majesty's Government is not to be involved. But the Imperial Government, before being party to any such payment in respect of this section of the railway, must have sufficient security that the whole scheme will be prosecuted with effect.

"It is scarcely necessary to observe that this assurance is given merely for the purpose of providing (as far as Her Majesty's Government is concerned) that New Brunswick and Nova Scotia shall not be prejudiced by commencing the railway in anticipation of a final arrangement (if such arrangement should ever take effect), and is not to be construed as in any way varying or keeping alive, or extending that arrangement, or as imposing on the Imperial Government any liability to assist in the construction of the shorter line now contemplated, whether by way of guarantee or otherwise, except in pursuance of the offer of December 1862 and January 1863. Therefore no claim whatever is to be made on the Imperial Government, unless the whole project is carried into execution; and if the offer of 1862-63 should fall to the ground, this assurance will of course fall with it.

"It must also be understood that the present correspondence is not to affect the right of the Home Government to determine for itself at what period the offer of 1862-63 shall be held to be cancelled by the failure of the Canadian Government to fulfil the first of the proposed conditions—viz., that of submitting immediately to the Colonial Legislatures the Bills required for carrying that offer into effect.

"I am to add, however, that Her Majesty's Government consider that offer as still subsisting, but would certainly cease to do so unless a definitive arrangement were made, and the necessary Colonial laws passed, within five years of the date of the first Memorandum—*i. e.*, before December 1867.

I am, &c.

"E. W. Watkin, Esq. (signed) "*Frederic Rogers.*"

The printed Report of Mr. Fleming's survey gives a full account of the various routes proposed for the railway.

December 1865. *E. B. P.*

Enclosure 2, in No. 5.

STATEMENT respecting the REVENUE and CAPABILITIES of CANADA.

(1.)

REVENUE and EXPENDITURE from 1852 to 1858 inclusive.

IT would be impossible without much labour to give a statement of the total receipts and expenditure for the earlier years on a similar plan to that in which they are given from 1859, because it was only in 1858 that the present method of exhibiting the accounts was adopted, and a large portion of the receipts and expenditure could only be obtained by extracting it from many subsidiary statements. But for the purpose of comparison with the next following statement, the leading items of revenue and the net funded debt are exhibited as follows :—

	1852.		1853.		1854.		1855.		1856.		1857.		1858.	
	Dols.	*c.*	*Dols.*	*c.*	*Dols.*	*c.*	*Dols.*	*c.*	*Dols.*	*c.*	*Dols.*	*c.*	*Dols.*	*c.*
Customs - -	2,957,078	55	4,119,131	06	4,900,769	47	3,527,098	05	4,510,128	15	3,948,021	23	3,368,157	76
Excise - -	103,642	10	109,623	88	78,741	22	76,986	12	104,401	88	119,862	57	138,760	22
Territorial - -	265,567	26	375,080	84	409,597	38	501,389	02	445,829	30	292,127	43	415,372	68
Post Office -	- - -		- - -		- - -		- - -		- - -		148,098	95	295,395	76
Public Works -	455,682	52	492,009	32	434,108	02	400,834	42	459,418	55	401,204	45	400,727	15
Funded Debt -	22,355,413	40	29,882,756	93	31,851,833	78	45,855,217	35	41,757,619	55	52,334,911	82	54,892,405	15
Sinking Fund -	1,472,299	18	1,817,736	82	2,196,145	40	2,612,053	77	2,935,572	70	3,318,762	42	3,752,843	22
NET DEBT - -	20,883,114	22	28,065,020	11	36,655,688	38	43,243,163	58	45,822,040	85	49,016,149	40	51,139,561	93

It will appear from these statements that from 20,883,114 dollars in 1852, the debt has risen to 59,763,849 dollars in 1866, being an increase of 38,880,735 dollars. This large increase may be accounted for as follows :—

	Dols.	*c.*
Expenditure on permanent public works - - -	7,843,762	73
Railway debt - - - - - - - -	21,201,633	34
Municipal loan fund assumed by this Province, expended by the Municipalities mainly on railways and other public works - - - - - - - -	9,723,340	0
TOTAL - - - *dols.*	38,768,736	7

Besides upwards of 1,000,000 dollars paid in redemption of seigniorial rights out of current revenue, although debentures were authorised to be issued, and a large nominal addition to this debt by the conversion of 6 per cent. bonds into 5 per cent.

(2.)

Revenue and Expenditure of *Canada* from 1859 to 1866.

	1859.	1860.	1861.	1862.	1863.	First Half of 1864.	1864-65.‡	1865-66.
Revenue.	*Dols.* c.	*Dols.* c.	*Dols.* c.	*Dols.* c.	*Dols.* c.	*Dols.* c.	*Dols.* c.	*Dols.* c.
Customs	4,455,326 80	4,756,724 18	4,774,562 26	4,652,183 06	5,171,080 32	3,074,799 92	5,660,740 97	7,328,146 68
Excise	343,934 42	306,536 35	334,665 14	500,313 52	829,801 77	519,351 15	1,302,975 31	1,888,542 96
Territorial	482,227 06	644,806 41	678,922 82	629,886 12	682,795 74	261,896 32	830,892 30	628,564 97
Post Office	333,223 48	405,317 38	457,724 85	408,717 21	438,864 16	426,053 40	540,809 74	631,936 42
Public Works	311,492 74	286,226 25	355,197 98	421,461 19	575,793 06	132,487 82	429,524 11	441,549 34
Mines Revenues	608,501 36	895,134 53	908,693 05	740,454 80	878,976 95	348,619 58	808,844 18	664,697 80
Open Accounts	1,621,640 28	1,898,293 17	2,389,509 79	1,055,428 58	1,183,004 34	700,801 41	1,073,631 99	1,073,069 89
Loans	2,416,106 19	30,422,626 24	2,756,305 59	2,220,759 99	4,622,191 66	2,662,929 45	1,074,609 5	400 0
Total	10,573,452 33	39,615,664 51	12,655,581 48	10,629,204 47	14,382,508 00	8,126,939 5	11,722,027 65	12,656,908 6
Expenditure.								
Interest of Debt	3,254,245 59	3,799,768 29	3,803,088 96	3,826,391 30	3,760,372 21	1,903,276 48	3,700,159 19	3,657,440 33
Administration of Justice	796,290 15	784,624 96	849,328 84	851,479 40	878,337 94	401,420 77	998,518 43	970,746 17
Education, Agriculture, Charities, &c.	875,446 11	964,813 33	919,670 87	983,805 10	923,018 90	250,899 43	1,022,149 53	1,035,668 40
Public Works	967,292 06	1,949,580 66	1,799,966 12	1,389,144 35	1,247,668 34	542,496 52	1,523,020 89	1,242,695 90
Militia	61,814 48	107,380 55	84,687 60	98,444 70	481,116 17	207,791 16	756,933 31	1,640,554 52
Trust Funds	555,122 74	776,183 83	804,593 80	832,673 15	581,670 33	182,875 36	498,113 40	456,656 50
Advances and Repayments	302,075 53	1,260,062 29	696,668 43	249,452 02	—	—	—	—
Civil Government and Miscellaneous	1,367,661 22	1,683,681 15	1,364,102 26	1,258,348 83	1,411,147 60	679,525 90	1,520,436 61	1,388,296 31
Collection of Revenue	1,223,869 95	1,539,238 32	1,507,463 40	1,404,778 72	1,228,732 60	603,814 62	1,515,360 47	1,560,520 97
Redemption of Debt	3,152,845 27	23,827,264 66	2,923,264 00	501,405 99	4,397,118 42	3,017,475 14	4,355,619 97	461,053 0
Total	12,556,663 10	36,882,597 55	14,742,834 28	11,395,923 56	14,909,182 51	7,789,575 38	12,890,311 80	12,413,632 10
Revenue, less Loans	8,157,346 14	9,193,038 27	9,899,275 89	8,408,444 48	9,760,316 34	5,464,009 60	10,647,418 60	12,656,508 6
Expenditure, less Redemption	9,463,817 83	13,055,332 89	11,819,570 28	10,894,517 57	10,512,064 09	4,772,100 24	11,534,691 83	11,952,579 10
Surplus	— — —	— — —	— — —	— — —	— — —	691,909 36	— — —	703,928 96
Deficit	1,306,471 69	3,862,294 62	1,920,294 37	2,486,073 09	751,747 75	— — —	887,273 23	—
Funded Debt	54,142,044 46	66,221,069 81	66,255,078 32	68,077,007 65	65,692,248 21	62,963,257 75	61,744,651 11	61,409,071 44
Less Sinking Funds	4,007,847 80	7,334,066 67	7,453,458 46	7,620,432 79	4,883,177 11	1,467,744 63	1,520,148 91	1,645,222 24
Net Funded Debt	50,134,196 66	58,887,003 14	58,801,619 86	60,456,574 86	60,809,071 10	61,495,513 12	60,224,502 20	59,763,849 20
Cash and Bank Balances	1,301,459 03*	2,408,172 59†	321,083 95†	469,110 44*	1,095,761 04*	1,116,477 33*	2,284,761 48*	2,023,082 70*
Net Debt	51,435,655 69	56,478,830 55	58,480,535 91	60,925,685 30	61,904,832 14	62,611,990 45	62,509,263 68	61,786,931 90

* Dr. † Cr. ‡ Viz., second half of 1864 and first half of 1865.

— 3. —

Miscellaneous Statistics.

Post Office.

Date.	Post Offices.	Miles Travelled.	Number of Letters.	Revenue.	Expenditure.
				Dols.	*Dols.*
1852 - - -	840	2,930,000	3,700,000	230,629	276,192
1855 - - -	1,293	4,550,000	6,000,000	368,166	511,726
1860 - - -	1,698	5,712,000	9,000,000	658,451	692,348
1865 - - -	2,197	6,350,000	12,000,000	834,097	851,971

N.B.—Up to 1852 the Post Office was in the hands of the Imperial authorities.

Imports, exclusive of Coin and Bullion.

Date.	Great Britain.	United States.	British Colonies.	Other Countries.	Total.	Duties.
	Dols.	*Dols.*	*Dols.*	*Dols.*	*Dols.*	*Dols.*
1850 - -	9,631,921	6,372,494	490,071	365,216	16,759,702	2,462,583
1855 - -	13,303,560	20,828,677*	880,123	1,073,909	36,086,169	3,525,782
1860 - -	15,839,320	17,258,585	409,266	905,260	34,412,431	4,758,465
1864-65 -	21,035,871	14,820,577	720,899	3,274,644	39,851,991	5,663,378

Exports.

Date.	Great Britain.	United States.	British Colonies.	Other Countries.	Total.	Duties.
	Dols.	*Dols.*	*Dols.*	*Dols.*	*Dols.*	
1850 - -	4,803,399	5,933,243	1,817,152	108,281	12,943,795	None.
1855 - -	6,738,441	20,002,291*	1,027,196	420,533	28,188,461	„
1860 - -	12,749,891	20,698,348	723,534	370,889	34,542,662	„
1864-65 -	14,637,158	24,213,582	1,106,370	835,850	40,793,960	„

* The Reciprocity Treaty came into effect in 1854, but the goods being mostly free, the duties were not materially affected.

Tonnage of Vessels Entered, &c.

DATE.	Tonnage of Vessels Entered and Cleared exclusive of Coasting Trade.	DATE.	Tonnage of Vessels Entered and Cleared exclusive of Coasting Trade.
1851 - - - -	1,230,702	1858 - - - -	1,245,850
1852 - - - -	1,142,301	1859 - - - -	1,282,233
1853 - - - -	1,281,432	1860 - - - -	1,653,225
1854 - - - -	1,487,097	1861 - - - -	2,149,360
1855 - - - -	870,794	1862 - - - -	1,829,286
1856 - - - -	1,124,241	1863 - - - -	2,133,204
1857 - - - -	1,479,792	1864 - - - -	2,088,778

Population.

	Census of 1851.	Census of 1860.	Annual Increase.	Probable Population, January 1867.
Upper Canada - -	952,004	1,396,091	4·34 per cent.	1,802,056
Lower Canada - -	890,261	1,111,566	2·50 „	1,288,880
Total - - -	1,842,265	2,507,657		3,090,936

MUNICIPAL ASSESSMENT, 1865.

	Number of Rate-payers.	Number of Acres Assessed.	Assessed Value of Real Estate.
			Dols.
Upper Canada - - -	291,477	18,587,783	232,782,016
Lower Canada - - -	200,919	13,148,069	162,407,965
TOTAL - - -	492,396	31,735,852	395,189,971

AGRICULTURAL PRODUCE.

		By Census of 1851.	By Census of 1860.
Wheat - -	Bushels	15,756,493	27,274,779
Other Grains -	„	29,920,408	61,215,786
Roots - - -	„	12,850,770	47,195,784
Hay - - -	Tons	1,449,306	1,551,821
Butter - -	Lbs.	25,674,568	42,735,213
Wool - - -	„	4,048,217	5,627,154
Horses - -	Number	385,290	626,196
Cattle - -	„	1,336,111	1,832,300
Sheep - -	„	1,697,633	1,853,054
Swine - -	„	829,290	1,062,401

(4.)

Taking Customs and Excise as the test of taxation, they have risen from 1 dollar 51 cents per head in 1851, to 2 dollars 2 cents per head in 1860; and the expenditure of the Consolidated Fund from 1 dollar 66 cents to 2 dollars 63 cents.

The means of the people to pay have increased in a much greater proportion. Thus, taking the produce of wheat and other grains as a test, the produce has risen from 24·8 bushels to 35·6 bushels per head of the population, or, otherwise stated, the taxation in 1851 was equal to 6·7 cents on every bushel grown, and in 1860, it was equal to only 5·6 cents. But even this does not show the whole case, because from the establishment of railways, which have created about half our debt, and the facilities of transport which they have afforded, all farm produce has risen in value, and in many of the remoter districts the farmer's selling price is more than double what it was in 1851, whilst he has now a market for many articles of produce which were almost unsaleable before.

The number of letters passing through the Post Office appears to have been in 1852, about two per head, in 1860 about 3·7 per head, and in 1865, rather more than four per head, showing a large increase of commercial activity in excess of the increase of the population.

No. 6.

TREASURY MINUTE, dated 26 March 1867.

WRITE to Sir F. Rogers, for the information of the Duke of Buckingham and Chandos, that my Lords have carefully considered the statements and arguments contained in his letter of the 23rd instant, and they have examined the statistics of the present income and expenditure of Canada, with a view to forming a judgment as to the ability of the Confederation to meet the increased charges which would be thrown upon its revenue by the loan to be contracted for the construction of the proposed railway.

Taking into consideration that the present debt of the United Provinces taken together is only about 5 *l.* per head of the population, being a lower amount than in any of the principal countries of Europe, with the exception of Prussia and

and Russia, and that the revenue now raised per head of the population is in Canada only 17 *s.*, and in the United Provinces only about 15 *s.*, showing a very easy condition of taxation in comparison, not only with European countries, but with the United States, my Lords cannot feel any doubt that if the natural growth of revenue will not cover the increase of charge which the contraction of the proposed loan would entail, no difficulty would be experienced in the imposition of fresh taxation in order to complete a work so essential to the safety and prosperity of the Confederation.

Their Lordships are therefore prepared to join in recommending to Parliament that authority be given to them to guarantee the payment of interest at 4 *l.* per cent. on a sum of 3,000,000 *l.*, to be borrowed by the Canadian Government for the completion of a railway connecting Quebec and Halifax, on a line to be approved by the Imperial Government, upon the report of an engineer to be appointed by the Home Government, at the expense of the Colony, subject to the following conditions:—

1. That the Parliament of the Confederated Provinces shall first pass an Act making satisfactory provision for the raising and expenditure of the loan and making, first, the payment of the principal and interest of the loan at the rate of 4 *l.* per cent.; and secondly, a contribution to a sinking fund of 30,000 *l.* per annum (being 1 *l.* per cent. per annum on the total amount of the loan of 3,000,000 *l.*), a charge upon the consolidated fund of the Confederated Provinces next after existing liabilities on account of the debt, the civil list, and the charges of collection of revenue; such contribution to continue until the whole loan is repaid, or until the sinking fund is equal to the unpaid portion of the loan, and to be remitted half-yearly to this country and invested in the names of four trustees, two to be appointed by the Imperial and two by the Colonial Government, and that the Act shall contain provisions to make it obligatory upon the Colony to complete the line within a reasonable time, and also to charge the said consolidated fund with such further sums as may be required over and above the said sum of 3,000,000 *l.* for the completion of the railway next in priority after the contribution to the said sinking fund.

2. That their Lordships shall be satisfied, not only that the revenue to be raised under the authority of the Legislature of the Confederation will suffice to meet the charges which will be imposed upon it by the first-named condition, but also that the Colony will be able to provide for any further charges that may be imposed upon its revenue in respect of any expenditure to be incurred in constructing the railway over and above the amount of loan to be guaranteed as above-mentioned, so that no further guarantee shall be hereafter applied for.

3. That provision be made in the Act of the Canadian Legislature for the carriage of Imperial troops and munitions of war, &c.

CANADA RAILWAY LOAN.

COPY of CORRESPONDENCE between the Colonial Office and the Treasury, respecting the Proposed Guarantee of the INTERCOLONIAL RAILWAY LOAN (British North America).

(*Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed,*
26 *March* 1867.

160.

Under 2 oz.

CEYLON.

COPY

OF

The PETITION addressed to the QUEEN from certain INHABITANTS OF CEYLON, praying for a Modification of the CONSTITUTION of the LEGISLATIVE COUNCIL of that Island; and COPY of the DESPATCH from the Secretary of State in reply.

Presented to both Houses of Parliament by Command of Her Majesty,
July 1867.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of Your Majesty's loyal and devoted Subjects in Ceylon,

HUMBLY SHEWETH,

That the Legislative Council of Ceylon, as it is now constituted, is not suited to the present state and requirements of the Island; inasmuch as it does not afford the Public that control over the disposal of the local revenues, to which, by the principles of the British Constitution, they are entitled.

That whilst Your Majesty's Secretaries of State for the Colonies have from time to time admitted the right to such control in principle, and even described it as a cardinal point of any sound policy, yet they have continually set it at naught in practice, and have burdened the revenues of the Island with heavy charges, without the consent and contrary to the interests of the public.

That even if the full control of the revenue were conceded to the Council as it is now constituted, the great preponderance of Official Members would still enable the local Government to force through it any measures or votes of money which the Secretary of State, or the Governor acting under his instructions, might determine to carry.

That, availing themselves of the undue influence and power afforded by such majority, the local Government have, under the direction of Your Majesty's Secretaries of State, for some years past injuriously restricted the public expenditure, thereby creating large surpluses of Revenue, on the strength of which they have imposed heavy charges, notwithstanding the most earnest remonstrances of the public, and the strongest protests of the unofficial members. These charges have gone through the formality of being passed by the Council, and have thus acquired the semblance, without possessing the substance, of constitutional votes. Universal dissatisfaction has thus been excited throughout the Island, and the legislative function has been brought into contempt.

That in consequence of the expenditure being so restricted, the most important departments of the Government and the principal public works, on which the welfare and progress of the country depend, have been seriously impaired, though the revenues were ample for their efficient maintenance.

That the surplus revenues so created would not have existed, if justice had been done to the public.

That Your Majesty's petitioners, while retaining the warmest attachment and most devoted loyalty to Your Majesty's throne and person, feel deeply aggrieved by the treatment to which they have of late years been subjected, and they humbly pray Your Majesty to give them speedy relief.

That Your Majesty's petitioners do not presume to ask for any particular form of Legislative Council, either as to the number of its members or the manner of their appointment; but would submit to Your Majesty's pleasure the mode and measure of the concessions Your Majesty may deem to be due to the country, in view of its present advanced condition, as contrasted with that of the period when the present Constitution was granted. Your Majesty's petitioners would gratefully accept such modifications of the existing Council and practice as would secure to the unofficial members as representatives of the public a due influence in the disposal of the revenue.

[*Price* ½*d.*]

That should Your Majesty not be prepared to concede larger measures of relief, Your Majesty's petitioners believe that the substance of their prayer might be granted, even though the present Constitution of the Council were retained, provided that whenever measures of supply were before the Council the votes of the official and unofficial members were equalized by the withdrawal of some of the official votes, and provided that an unofficial member were to preside on such occasions. Your Majesty's petitioners do not propose this as the best or most suitable arrangement, but in order to show that no violent change would be necessary to accomplish the object of their prayer.

Your Majesty's petitioners therefore humbly pray that Your Majesty may be pleased to order such modification in the Constitution or manner of proceeding of the present Council as to Your Majesty may seem suited to the present requirements of the Island.

And Your Majesty's petitioners as in duty bound, will ever pray.

Signed by about { Europeans 400 / Natives 1,300

Copy of a DESPATCH from the Right Honourable the Earl of Carnarvon to Governor Sir Hercules Robinson.

(No. 3.)

Sir, Downing Street, July 10, 1866.

I have to acknowledge the receipt of your despatch of the 23rd April last, No. 78, forwarding a petition addressed to the Queen by certain inhabitants of Ceylon, praying for a modification of the existing Constitution of the Island.

A petition in the same terms was placed in my predecessor's hands, and was forwarded to you in his despatch of the 12th March, No. 92.

I have to request that you will inform the gentlemen by whom the petition has been signed that it has been laid before the Queen, by whom it was graciously received.

You will at the same time inform them I have felt myself unable to advise Her Majesty to accede to the prayer of their petition.

As it is impossible to establish in Ceylon any Legislature which shall really represent the population of the country, Her Majesty's Government do not feel at liberty to abandon that control over the revenues and legislation of the Colony which is given them by the present Constitution of the Legislative Council.

I have, &c.

Governor Sir Hercules Robinson, &c. &c. &c.

(Signed) CARNARVON.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office

19302.

COPY of a DESPATCH of Her Majesty's Secretary of State for the Colonies to the Officer administering the Government of *Natal* on the Subject of the COLONIAL CHAPLAINCY in that Colony, dated 12th August 1866; also, COPY of a DESPATCH of Her Majesty's Secretary of State for the Colonies to the Lord Bishop of *Montreal* relating to the Appointment of a Coadjutor Bishop of *Niagara*, dated 21st November 1866; and also, COPIES of RETURNS which have been made in Answer to the Questions lately issued by Her Majesty's Secretary of State in reference to the Condition and Circumstances of the UNITED CHURCH of *England* and *Ireland* in the COLONIES.

Colonial Office,
22 March 1867.

C. B. ADDERLEY.

COPY of a DESPATCH of Her Majesty's Secretary of State for the Colonies to the Officer administering the Government of *Natal* on the Subject of the COLONIAL CHAPLAINCY in that Colony, dated 12 August 1866.

COPY of a DESPATCH from the Right Honourable the Earl of *Carnarvon* to the Officer administering the Government of *Natal*.

Sir, Downing-street, 12 August 1866.

I HAVE had under my consideration your Despatches, Nos. 25 and 26, of the 22nd and 23rd of February last, relating to the course pursued by the Colonial Chaplain, Mr. Green, in relation to the Ecclesiastical controversies which now disturb the Colonies of the Cape of Good Hope and Natal.

The case appears to be this:—Dr. Gray in the capacity, or supposed capacity, of Metropolitan of South Africa, has pronounced a sentence of deposition against Dr. Colenso in his capacity, or supposed capacity, of Bishop of Natal, and this sentence of deposition being pronounced invalid at law by the Judicial Committee, and being accordingly resisted by Dr. Colenso, Dr. Gray has resorted to the Ecclesiastical instrument of excommunication to enforce compliance. Upon this, Mr. Green, who previously to the consecration of Dr. Colenso, had been appointed to a Colonial chaplaincy in Natal, to which a salary had been attached by the Colonial Legislature, refused any longer to recognise Dr. Colenso as his clerical superior, and further proceeded to publish Dr. Gray's sentence of excommunication in the Church of Pietermaritzburg. Under these circumstances the question arises whether Mr. Green should be allowed to retain the salary attached by the Legislature to the Colonial Chaplaincy.

It would seem to follow from the judgment of the Judicial Committee in 1865 that when Letters Patent were issued, purporting to found the Bishopric of Natal, the Crown was really not competent to create a legal See or Bishopric in that Colony, and that Dr. Colenso did not derive from these Letters Patent the legal status of Diocesan Bishop. In this state of things, and having regard to the complicated and embarrassing questions of Church doctrine and discipline now at issue in South Africa, I am not prepared to go beyond the law or to use the power of Government to deprive the Clergy of Natal of any liberty which the law may give them in respect of either acknowledging or not acknowledging in Dr. Colenso a diocesan authority which does not of legal right belong to him.

Whatever legal rights, if any, he or Mr. Green may possess, I must leave them to enforce as may be practicable in a court of justice; and if any doubt exists whether the public money voted by the Legislature to the Colonial Chaplain should be paid to a clergyman acknowledging the episcopal authority of Dr. Colenso, or to a clergyman repudiating that authority, it will be for the Legislature—not indeed to interfere in the Ecclesiastical controversy, but to define its own intention with regard to the disposal of the public money.

I have, &c.
(signed) *Carnarvon.*

COPY of a DESPATCH of Her Majesty's Secretary of State for the Colonies to the Lord Bishop of *Montreal* relating to the Appointment of a Coadjutor Bishop of *Niagara*, dated 21st November 1866.

COPY of a LETTER from the Right Honourable the Earl of *Carnarvon* to the Lord Bishop of *Montreal*.

My Lord, Downing-street, 21 November 1866.

I HAVE received your Lordship's letter of the 10th of October relating to the proposed appointment of the Archdeacon of Toronto to be Coadjutor Bishop of that diocese under the title of Bishop of Niagara, and his consecration in Canada with as little delay as possible.

It appears by the recent decision of the Judicial Committee in the case of the Bishop of Natal, that Her Majesty has not the power to create a diocese or assign a sphere of action to a Bishop in a Colony in which an independent Legislature has been established; and it is the opinion of the law officers of the Crown, to whom I have caused this question to be submitted, that a mandate from the Crown is not necessary to enable Colonial Bishops to perform the act of consecration.

As, therefore, the intervention of the Crown is not legally required either to give to the Archdeacon of Toronto the intended jurisdiction, or to authorise his consecration to the office of Bishop, it would not appear that the proposed mandate could have any legal effect; and under such circumstances it would hardly be consistent with the dignity of the Crown that Her Majesty should be advised to issue such mandate. It will thus rest with yourself and the other Bishops of Canada, and will be in your power under the Canadian Acts of 19 & 20 Vict. c. 121, and 22 Vict. c. 139, to determine, without hindrance or assistance from the Royal Prerogative, in what manner the consecration of the Bishop of Niagara shall be effected.

You are of course aware that under Imperial Acts, of which 59 Geo. 3, c. 60, is the chief, clergymen ordained by Colonial Bishops not having local jurisdiction and residing within the limits of that jurisdiction are subjected to certain disabilities, except where their ordination is effected under Commission from a Diocesan Bishop and within his diocese.

I have, &c.
(signed) *Carnarvon.*

COPY of a CIRCULAR DESPATCH addressed by the Right Honourable the Earl of *Carnarvon* to the Governors of the Colonies.

Sir, Downing-street, 13 September 1866.

I TRANSMIT to you herewith a copy of a notice, which, during the last Session of Parliament, was given by the Bishop of London, of a Return, which it was his Lordship's intention to move for in the House of Lords, for certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England. 13 July 1866.

Although this notice was subsequently withdrawn, I am still anxious to procure the information, so far as it can be obtained, which would have been embraced in the Return had it still been moved for. I wish you, therefore, to supply such information as you may be able to afford on the subject, so far as relates to the Colony under your Government, and that where you may be unable of yourself to supply the details you will request the assistance of the Bishop.

I also transmit a copy of a Return which has been laid before Parliament, showing, as correctly as it has been possible to prepare it, the number of Colonial Bishops of the Church of England, the salaries of each, and the sources whence those salaries are derived; and I request you either to confirm its accuracy, or, if necessary, to correct it so far as regards your Government.

I have, &c.

The Governor of the (signed) *Carnarvon.*

HOUSE OF LORDS.

EXTRACT from Orders of the day and Notices for Friday the 13th day of July 1866.

The Bishop of London,
To move an humble Address to Her Majesty, for Return setting forth:

1. A list of the Bishoprics of the United Church of England and Ireland in Her Majesty's Foreign and Colonial Possessions, with the dates of the Appointment of the Holders of such Bishoprics, distinguishing those whose authority has been recognised by Acts of the Imperial Parliament or the Colonial Legislatures.

2. A statement of the Revenues of such Bishoprics, and the sources from which such Revenues are derived.

3. The number of Clergymen subject to each Bishop.

4. The manner in which such Clergymen are appointed, and their sources from which their emoluments are drawn.

5. The number of Churches and Chapels subject to each Bishop, with a statement of the parties in whom the property of such Churches is vested.

6. Extracts from any Colonial Charters relating to the Churches and Clergy of the United Church of England and Ireland in the Colonies, their appointments and stipends, and their powers of meeting in Synod.

7. A statement of the designations assigned by law to such Colonial Bishops and Clergy in the Colonies.

(*Corrected to 5th June* 1865.)

RETURN of the Number of COLONIAL BISHOPS, stating the Salaries of Each, and Sources whence those Salaries are Derived.

Note.—The List of Colonial Bishops is made up without reference to the effect of the recent Decision of the Judicial Committee in the case of the Bishop of Natal.

Name of Bishop.	Diocese.	Salary. £. s. d.	From what Source Derived.
James William Williams	Quebec, Canada	1,990 – –	Imperial Parliamentary Vote.
John Strachan	Toronto	1,250 – –	Clergy Reserves in Canada West.
Francis Fulford	Montreal (Metropolitan) Canada.	- - -	Interest on 12,500 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Benjamin Cronyn	Huron (Canada West)	- - -	Interest on 1,000 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony. From the Colony.
Hibbert Binney	Nova Scotia	219 – –	Interest of Trust Fund, appropriated to the endowment of this see by the Society for the Propagation of the Gospel. Interest on 8,000 *l.* granted out of that Trust Fund, and invested in Colonial Security.
John Medley	Fredericton (New Brunswick).	1,000 – –	Colonial Bishoprics' Fund.
Edward Field	Newfoundland	1,200 – –	300 *l.* Parliamentary Vote as Archdeacon of Newfoundland. 200 *l.* Parliamentary Vote } as Archdeacon of Ber- 200 *l.* Colonial Funds } muda. 500 *l.* from Society for the Propagation of the Gospel, as Bishop of Newfoundland.
George Hills	Columbia (British Columbia).	- - -	Interest on 15,000 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Robert Machray (Elect)	Rupert's Land	300 – – 388 – –	Hudson's Bay Company. Leith Bequest.
Aubrey George Spencer	Jamaica	1,400 – –	Consolidated Fund.
Reginald Courtenay (Bishop Coadjutor).	Kingston	1,600 – – 400 – –	Ditto. Being half of his late salary as Archdeacon of Middlesex in Jamaica.
Addington Robert Peel Venables.	Nassau (Bahamas).	—	—
Thomas Parry	Barbadoes	2,500 – –	Consolidated Fund.
William Walrond Jackson	Antigua	2,000 – –	Ditto.
William Piercy Austin	Guiana (British Guiana)	2,000 – –	Ditto.
Frederic Barker	Sydney (New South Wales).	2,000 – –	Public Worship Fund of the Colony.
Edward Wyndham Tufnell.	Brisbane (Queensland)	- - -	Interest on 5,000 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony, and on 500 *l.* special. From the Colonial Treasury.
Charles Perry	Melbourne (Victoria)	1,000 – – 333 6 8	Colonial Treasury. Colonial Bishoprics' Fund.

Name of Bishop.	Diocese.	Salary. £. s. d.	From what Source Derived.
William Tyrrell - -	Newcastle (New South Wales).	500 – –	Colonial Treasury. Interest on 6,000 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Mesac Thomas - -	Goulbourn (New South Wales).	50 – –	Colonial Bishoprics' Fund. Interest on *l.* invested in the Colony.
Augustus Short - -	Adelaide (South Australia).	240 – –	Colonial Bishoprics' Fund. Interest on 17,240 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Charles Henry Bromby -	Tasmania - - -	1,000 – –	Salary and Allowances from Colonial Funds. Interest on 5,000 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Mathew Blagden Hale -	Perth (Western Australia).	- - -	Interest on 4,000 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
George Augustus Selwyn	New Zealand - -	400 – –	Colonial Bishoprics' Fund.
Charles John Abraham -	Wellington (New Zealand).	- - -	From a general Church Fund in the Colony. From Lands set apart by the Canterbury Association.
Edmund Hobhouse -	Nelson (New Zealand) -	- - -	From a general Church Fund in the Colony.
William Williams - -	Waiapu (New Zealand)		
Henry John Chitty Harper.	Christ Church (New Zealand).	600 – –	Colonial Funds. Interest on 1,101 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Robert Gray - -	Cape Town (Cape of Good Hope).	438 – –	Colonial Bishoprics' Fund. Interest on 8,223 *l.* 13 *s.* 2 *d.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Henry Cotterill - -	Graham's Town (Cape of Good Hope).	- - -	Interest on 17,050 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony, and on 479 *l.* 4 *s.* 6 *d.* special.
John William Colenso -	Natal (Cape of Good Hope).	662 10 –	Colonial Bishoprics' Fund. Interest on 500 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony, and on 600 *l.* special. Allowance from the Bishop of Cape Town.
Piers Calveley Claughton	Colombo (Ceylon) -	2,000 – –	Colonial Funds.
Vacant - - -	Victoria (Hong Kong) -	1,000 – –	Colonial Bishoprics' Fund.
Walter John Trower -	Gibraltar - - -	1,200 – –	Ditto.
Edward Hyndman Beckles	Sierra Leone - -	500 – – 402 – –	As Colonial Chaplain. Colonial Bishoprics' Fund.
Vincent William Ryan -	Mauritius - - - -	750 – –	Colonial Funds. Interest on 6,150 *l.* granted by the Colonial Bishoprics' Fund, and invested in the Colony.
Thomas Earle Welby -	St. Helena - - -	500 – – 300 – –	Colonial Funds. Interest on 5000 *l.* collected by Bishop of Cape Town. Interest on 2,379 *l.* 15 *s.* 10 *d.* granted by the Colonial Bishoprics' Fund, and invested in land in the Island.
Francis Thomas M'Dougall	Labuan (Borneo) - -	360 – – 300 – –	Colonial Bishoprics' Fund. From the Society for the Propagation of the Gospel.

COPIES of RETURNS which have been made in Answer to the QUESTIONS lately issued by Her Majesty's Secretary of State in reference to the CONDITION and CIRCUMSTANCES of the United Church of *England* and *Ireland* in the Colonies.

SCHEDULE.

No.	Colony.	Dioceses.	Page.
	North American.		
1	Canada	Quebec	7
		Montreal	7
		Ontario	9
		Toronto	9
		Huron	10
2	Nova Scotia	Nova Scotia	11
3	New Brunswick	Fredericton	12
4	Prince Edward Island	Nova Scotia	15
5	Newfoundland	Newfoundland	16
6	Bermuda		17
7	British Columbia	Columbia	18
8	Vancouver Island*		19
	West Indies.		
9	Jamaica*	Jamaica	19
10	British Honduras*		
11	Turks' Islands		
12	British Guiana	Guiana	20
13	Bahamas	Nassau	21
	Windward Islands—		
14	Barbados	Barbados	27 to 30
15	Trinidad		
16	Grenada		
17	Tobago		
18	Saint Vincent		
19	Saint Lucia		
	Leeward Islands—		
20	Antigua	Antigua	31 to 35
21	Montserrat*		
22	Saint Christopher		
23	Nevis		
24	Virgin Islands*		
25	Dominica		

No.	Colony.	Dioceses.	Page.
	African and Mediterranean.		
26	Gibraltar	Gibraltar	35
27	Malta		36
28	Sierra Leone*	Sierra Leone	36
29	Gambia*		
30	Gold Coast*		
31	Lagos*		
32	Cape of Good Hope	Cape Town, Grahamstown.	36
33	Natal*	Natal	37
34	Saint Helena	Saint Helena	38
	Eastern.		
35	Ceylon	Colombo	39
36	Hong Kong	Victoria	41
37	Labuan	Labuan	43
38	Mauritius*	Mauritius	44
	Australian.		
39	New South Wales	Sydney	45
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		Goulburn	46
40	Victoria	Melbourne	50
41	Queensland	Queensland	52
42	Tasmania	Tasmania	57
43	South Australia	Adelaide	58
44	Western Australia	Perth	60
45	New Zealand*	New Zealand, Wellington, Nelson, Waiapu, Christchurch.	61
46	Heligoland*		61
47	Falklands*		61

* Not received.

NORTH AMERICAN.

CANADA.

No. 1.

CANADA.

— No. 1. —

COPY of a DESPATCH from Lieutenant General Sir *John Michel*, to the Right Honourable the Earl of *Carnarvon*.

(No. 18.)

Montreal, 28 December 1866.
(Received, 15 January 1867.)

My Lord,

WITH reference to your Circular Despatch of the 13th September, requesting certain information in regard to the Bishopries and Ecclesiastical Establishments in this Colony which are in communion with the Church of England,—

I have the honour to transmit herewith to your Lordship copies of the returns made by the Bishops to your Despatch and its enclosures, copies of which were sent to them.

It will be found that these returns contain the information with respect to the Bishops' salaries which is required in the concluding paragraph of your Lordship's circular.

I have, &c.
(signed) *J. Michel*,
Administrator of the Government.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure 1.

Enclosure 1.

DIOCESE OF QUEBEC, CANADA EAST.

Answers to Questions.

1. The first Bishop was appointed in 1793; the present Bishop in 1863.
Certain supplementary Letters Patent were entered at large in the Journals of the "House" in 1794. Incidentally the authority of the Bishop is recognised, and in some respects defined by,—(1), the Church Temporalities Act (4 Vict., c. 32), in the title, and in sections 14, 16, and 17 more especially; (2), in the Act for the Incorporation of the Church Society (7 Vict., c. 68).

2. Two thousand dollars a year from a fund created by the investment of a portion of the commutation money received in respect of certain life interests in the Clergy Reserves when these were resumed.

3. Fifty-six.

4. In four rectories created by Letters Patent, the nomination is in the Church Society. In all other cases the appointment rests with the Bishop, save in one proprietary chapel. When, however, the clergyman's salary is in any part derived from the funds of the Society for the Propagation of the Gospel, the concurrence in the appointment of the Diocesan Board of Missions intrusted with the disbursement of the Society's annual grant is needed.

The sources from which the emoluments of the clergy are drawn are—
1. Voluntary contributions; and these consist of (*a*), the annual grant of the Society for the Propagation of the Gospel; (*b*), local contributions raised in each parish or mission.

2. Interest to certain incumbents from the Clergy Reserve Commutation Fund equivalent to their life interest in the Clergy Reserves at the time of commutation.

3. Endowments, (*a*), which are general, viz., the invested money received in commutation of claims upon the Clergy Reserves. This is at present only in part available as Revenue. (*b*) Local—various, most of which are not yet available for revenue. Two clergymen are still paid, in whole or in part, by Government.

5. Sixty-four. In the Incumbent a nd Churchwardens, by Church Temporalities Act, sect. 1.

6. The two Acts relating to Synods, 19th Vict., c. 121, following year.

7. I don't know that the law has ever been called upon to give any opinion in the matter out here; I thought, though, that designation and style was just what the Patents are good for, and in all these, particularly that of 1850, the last, the Bishop and his successors are constituted a corporation with perpetual succession under the designation of the Lord Bishop of Quebec.

Enclosure 2.

THE DIOCESE OF MONTREAL, CANADA EAST.

Enclosure 2.

Replies to Questions from Lord Carnarvon through the Governor General.

1. MOST Reverend Francis Fulford, D.D., consecrated 1850. Appointed Metropolitan of Canada 1860.
The authority of the Bishopric is recognised by Acts of the Legislature of Canada, as the letter, of which the following is a copy, addressed by the Chancellor of the diocese to the Lord Bishop, concerning questions on the same subject, asked by the Secretary of the Society for the Propagation of the Gospel, fully and clearly proves.

THE CHANCELLOR'S LETTER.

My Lord, Montreal, 8 May 1866.

"I HAVE read over the printed circular of the Reverend Secretary to the Society for Propagating the Gospel in Foreign Parts, of date the 3d of April last, and now beg to submit the following report touching your Lordship's appointment as Bishop of Montreal and the action of the Provincial Legislature in connection therewith.

"On the 14th day of July 1850, being in the 14th year of Her Majesty's reign, by Royal Letters Patent under the Great Seal of the United Kingdom, the then Diocese of Quebec was then declared to be divided into two dioceses, whereof the Diocese of Montreal (according to certain limits therein defined) was declared to be one, and your Lordship was named and appointed to be Bishop of such diocese, and the Lord Archbishop of Canterbury was commanded to ordain and consecrate you accordingly.

"The

CANADA.

"The ordination and consecration having been duly solemnized, your Lordship was duly inducted and instituted as Bishop of Montreal in September 1850.

"In the following year the Provincial Legislature, by the Act 14th and 15th of Vict. c. 151, in which the Letters Patent of July are expressly referred to, enacted, that inasmuch as Her Majesty, by said Patent, had been pleased to divide the said Diocese of Quebec into two dioceses, the one to be called the Diocese of Quebec, and the other the Diocese of Montreal, in the manner and with the limits and boundaries in the said letters patent mentioned, there should be a separate Church Society for the Diocese of Montreal, and that such society should be composed of the Lord Bishop of the diocese (namely, your Lordship) and the several other persons indicated in the Act, and that the said Bishop of Montreal and his successors should be a corporation sole, and to be deemed so from the time when the Letters Patent aforesaid took effect. And in the Act, chap. 176, of the same period, the Letters Patent and the division of the dioceses thereby created are again expressly alluded to, and the status of the then Bishop of Montreal is clearly admitted.

Whatever doubt, then, may exist in the mind of any person as to the strictly legal right of the Crown, in the first instance, to erect the Diocese of Montreal, and to appoint your Lordship to be its Bishop, there can be no room to doubt as to the action of the Crown in this respect having been confirmed by the Canadian Legislature in the most ample form that could be desired.

"I have, &c.
(signed) "*Strachan Bethune*, Q.C."

"The Most Reverend the Metropolitan,
Montreal."

2. Statement of revenue and source whence derived,—1,000 *l.* per annum from investments in Canada.

3. The number of clergymen subject to the Bishop,—81 (eighty-one).

4. Clergymen are appointed to the patent rectories and self-supporting parishes by nomination of the vestries, to parishes and missions not self-supporting by nomination of the Bishop.

The sources from which emoluments are drawn,—more or less from the following:—

Grant of Imperial Government for two of the clergy.
Grants from the Society for the Propagation of the Gospel.
Grants from the Diocesan Church Society.
Clergy Trust Fund, arising from commutation of Clergy Reserves.
Small Parochial Endowments.
Offertory collections.
Voluntary offerings of parishioners.

5. About 100 churches.

Property vested chiefly in the Diocese and Church Society, and, under certain circumstances, in the Bishop of the diocese and the Incumbent and Churchwardens of the parish.

6. Reference is made to the following Acts, printed copies of which accompany this document:—

An Act to provide for the Establishment of a Church Society of the United Church of England and Ireland, in each Diocese of that Church in Lower Canada, and for other Purposes connected with the recent Division of the Diocese of Quebec.

An Act to incorporate the Church Societies of the United Church of England and Ireland in the Diocese of Quebec and Toronto.

An Act to make Provision for the Management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and for other Purposes therein mentioned.

An Act to enable Members of the United Church of England and Ireland in Canada to meet in Synod.

An Act to explain the Act, intituled "An Act to enable," &c.

7. Statement of designation assigned by law to Bishop and clergy.

Cathedral:—
Metropolitan or Bishop.
Dean.
Archdeacon.
Canons.
Honorary Canons.
Rectors of parishes.
Incumbents of churches not parish church.
Curates.
Missionaries.

All which is respectfully submitted.

(signed) *John Bethune*, D.D,
Ecclesiastical Commissary for the Diocese of
November 1866. Montreal.

Enclosure 3.

Enclosure 3.

DIOCESE of ONTARIO, CANADA WEST.

Synod Office, Kingston, C.W.,
19 October 1866.

Sir,

I HAVE to acknowledge the receipt of your letter of the 9th instant, together with the circular of the Secretary of State for the Colonies; and now reply to the several clauses contained in the notice given in the House of Lords by the Bishop of London, so far as my diocese is concerned.

1. I was elected first Bishop of the Diocese of Ontario, 25th March 1862, by the clergy and laity of said diocese in synod assembled, and was appointed by Royal Letters Patent, bearing date at Westminster, 18th February, in the 25th year of Her Majesty's reign. Authority has been recognised by "An Act to enable Members of the Church to "meet in Synod;" also by "An Act incorporating the Synod of the Diocese of Ontario," 25 Vict. c. 86; also by "The Church Temporalities Act" (Royal Assent promulgated 3rd December 1841); also by 29 & 30 Vict. c. 15, and 29 & 30 Vict. c. 16.

2. The interest of 10,000 *l.*, raised by voluntary subscription, and 400 *l.* per annum (at the death of the Bishop of Toronto or 1st January 1870, which ever shall first happen), payable from the Commutation Fund of the Diocese of Ontario.

3. Number of clergy, 75.

4. All clergymen are appointed by the Bishop, and their emoluments are derived from (1), subscriptions of their parishioners; (2), grants from the Diocesan Mission Board; (3), grants from the Society for the Propagation of the Gospel; (4), annuities from the "Clergy Trust Commutation Fund"; (5), from rectorial endowments.

5. One hundred and twenty church edifices, property of such churches is vested: (1), in the Bishop of the Diocese, (2), or in the incorporated synod, (3), or in the churchwardens.

6. No charters relating to the Diocese of Ontario. Power to meet in synod is granted by "An Act to enable Members of the Church to meet in Synod," assented to by proclamation, 28th May 1857.

7. I am not aware of any statute assigning designations to Bishop or clergy: but all Acts of the Colonial Legislature describe the Bishop by the title "Lord Bishop of Ontario."

I have, &c.
(signed) *J. T. Ontario.*

Denis Godley, Esq., Governor's Secretary.
&c. &c. &c.

Enclosure 4.

Enclosure 4.

DIOCESE of TORONTO.

1. My appointment and consecration to the Bishopric of Toronto took place in the year 1839.

2. The Income of the Bishop is 1,250 *l.* sterling, derived from the Clergy Commutation Fund, of which the Church Society of the Diocese are the trustees and managers.

3. The number of the clergy in the Diocese of Toronto subject to the Bishop's jurisdiction is 123.

4. The patronage of the rectories, 23 in number, is vested in the Church Society of the Diocese; the appointment to missions and all other cures, except the rectories, is in the hands of the Bishop of the Disocese. The emoluments of the clergy are drawn from the rents of glebes, from the commutation and mission funds of the Church Society, and the voluntary contributions of their congregations.

5. The number of churches and chapels is about 150. They are for the most part erected on land deeded in trust either to the Bishop or to the Church Society.

6. There is an Act of the Legislature of the Province to "make Provision for the "Management of the Temporalities of the United Church of England and Ireland in this "Province," and an Act "to enable the Members of the United Church of England and "Ireland in Canada to meet in Synod." These Acts apply to and have force in all the dioceses of the Church of England in Canada, and not exclusively in the Diocese of Toronto.

7. The Bishops and clergy are designated in the Acts above specified as "the Bishops "and clergy, members of the United Church of England and Ireland in this province."

Toronto, 19 December 1866. (signed) *John Toronto.*

CANADA.

Enclosure 5.

Enclosure 5.

DIOCESE of HURON.

1. Diocese of Huron, Province of Canada, British North America; Bishop, Right Reverend Benjamin Cronyn, D.D., appointed 28th October 1857. This diocese has been recognised by the Colonial Legislature in the Act incorporating the Church Society of the Diocese of Huron (assented to 24th July 1858).

2. The income of the Bishop of Huron is 600 *l.*, provincial currency, per annum, derived from an episcopal fund which was formed by investing subscriptions received from individuals in Canada, and grants from the Society for the Propagation of the Gospel and the Society for the Promotion of Christian Knowledge, and the Canada Company.

3. There are 84 clergymen in the diocese.

4. The clergymen are appointed by the Bishop.

5. The nnmber of churches is 140, mostly vested in the Church Society of the diocese.

6. The Act incorporating the Church Society alluded to above, and the Act known as the Synod Law, passed in the second Session of the fifth Provincial Parliament, together with the Church Temporalities Act (promulgated 3rd December 1841), contain the powers of meeting in synod, and other privileges granted to the clergy of the United Church of England and Ireland by the Colonial Legislature.

7. I know of no designation to which I am by law entitled but "Bishop of Huron." In some of the Acts of the Colonial Legislature I have been styled "Lord Bishop of Huron;" but this designation has not been assigned by law.

(signed) *Ben. Huron.*

NOVA SCOTIA.

NOVA SCOTIA.

No. 2

— No. 2. —

COPY of a DESPATCH from Lieut. Governor Sir *W. F. Williams*, Bart., to the Right Honourable the Earl of *Carnarvon*.

(No. 75.)

Halifax, Nova Scotia, 30 November 1866.
(Received, 17 December 1866.)

My Lord,

IN answer to your Lordship's Circular, dated 13th September 1866, transmitting a return requiring certain information relating to Colonial Bishoprics and Ecclesiastical establishments in connection with the Church of England, I have the honour to enclose a letter from the Lord Bishop of Nova Scotia, which I trust will convey to your Lordship the information you require..

You further transmit a copy of a return showing the number of Colonial Bishops of the Church of England, the salaries of each, and the sources whence those salaries are derived; requesting me to confirm, if possible, its accuracy as far as regards my Government. In this return the salary of the Bishop of Nova Scotia, derivable from two sources, is not stated at its full amount; but your Lordship will see that Bishop Binney, in the second paragraph of his letter, mentions it as being at the rate of 950 *l.* sterling per annum.

I have, &c.
signed) *W. F. Williams.*

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Sir, Halifax, 26 November 1866.

In compliance with your request, I have the honour to furnish the following particulars for the information of the Right Honourable the Colonial Secretary, the numbers referring to the corresponding numbers in the list of questions proposed by the Bishop of London in the House of Lords.

1. Bishopric of Nova Scotia founded 1787 Present Bishop, Hibbert Binney, D.D., appointed in 1851, having jurisdiction over Prince Edward Island during Her Majesty's pleasure.

When the see was founded the Church of England was by law the established Church of the province. It still occupies this position in Prince Edward Island.

The authority granted by patent to Bishop of Nova Scotia is recognised in Imperial Act 31 Geo. 3, c. 31, clause 40. Bishop of Nova Scotia mentioned 59 Geo. 3, c. 60. The Bishop is recognised in many Acts of the Provincial Parliament for the incorporation of institutions such as King's College, and of religious societies or associations.

His authority is more particularly recognised in the Church Act Revised Statutes, c. 49, under which no clergyman can officiate without his license, nor any parochial property be alienated without his concurrence.

By c. 50, any episcopal corporation sole is authorised to dispose of property held in trust for the denomination to which he belongs.

2. The official income of the present Bishop is about 950*l.* sterling; but his successors will probably be deprived of 219*l.* of this amount.

The greater part of the income is derived from funds placed in the hands of trustees by the Society for the Propagation of the Gospel and the Society for the Promotion of Christian Knowledge, and invested in provincial debentures and mortgages.

3. There are 78 in Nova Scotia, of whom three have retired on pensions.

There are 10 in Prince Edward Island, one being a pensioner.

4. The appointment to parishes is in the hands of the people, but Rectors are instituted by the Bishop, and inducted by the Lieutenant Governor under the Act of the Legislature. Rev. Stat. c. 49.

Some are paid by the Imperial Government under an agreement with the Society for the Propagation of the Gospel.

Some by the Society for the Propagation of the Gospel; others by Colonial and Continental Church and School Society.

Some by the Diocesan Church Society.

Some altogether by the congregations, aided by endowments.

Most of them partly by their congregations and partly by one or more of the Societies.

5. In Nova Scotia and Cape Breton, 134 churches.

Prince Edward Island, 18 churches.

The rector, wardens, and vestry of each parish form a corporation, in whom the property is generally vested; but in a few cases sites and glebes have been conveyed to the Bishop or to the Society for the Propagation of the Gospel.

6. I am not aware of any charter referring to the Church of England, either in Nova Scotia or Prince Edward Island. There are grants of land under the great seal of this province for the use of the clergy, and also for a Dean and Chapter. King's College at Windsor was founded by charter of Geo. 3.

The Synod, composed of the Bishop, clergy, and representatives of the laity of the United Church of England and Ireland, is incorporated by Act of the Legislature of Nova Scotia; but its existence does not depend on any statute.

7. The legal designation of the whole body in the Revised Statutes is "the Church of England."

In the Act incorporating the Synod, the designation is "the Bishop, clergy, and representatives of the laity of the United Church of England and Ireland."

The designation of the Bishop in some Acts is "the Bishop of Nova Scotia," in others more recently "the Lord Bishop of Nova Scotia."

If any other information is required, I shall be happy to furnish it to the best of my ability.

I have, &c.
(signed) *H. Nova Scotia.*

His Excellency
Sir W. F. Williams, Bart.

New Brunswick.

NEW BRUNSWICK.

No. 3.

— No. 3. —

Copy of a DESPATCH from Acting Governor *Doyle* to the Right Honourable the Earl of *Carnarvon*.

(No. 6.)

Fredericton, New Brunswick, 1 December 1866.

My Lord, (Received, 17 December 1866.)

I have the honour to transmit to your Lordship the enclosed return, which supplies, to the best of my ability, the information concerning the *status* of the Church of England in this Colony, which was required by your Lordship's Circular Despatch of the 13th September last.

In preparing this return, I have referred, in accordance with your Lordship's suggestion, to the Lord Bishop of Fredericton for information; and for an opinion on the legal points involved, I thought it better to refer to the Solicitor General (the Attorney General being absent). That gentleman has in reply referred me to a paper recently drawn up on the subject by the late Chief Justice, Hon. Robert Parker. As this appears a very able document, and as the opinion of Chief Justice Parker has always carried great weight in this Province, I cannot do better than inclose a copy for your Lordship's information.

I have, &c.
(signed) *Hastings Doyle*,
Major General.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure 1.

Enclosure 1.

Province of New Brunswick, British North America.

Diocese of Fredericton.

1. Bishop of Fredericton, Rev. John Medley, D.D., consecrated 4th May 1845.
His title and corporate powers have been repeatedly recognised by Acts of the Legislature of New Brunswick (*e. g.*, 4 Vict. c. 3; 9 Vict. c. 69; 11 Vict. c. 44, 45; 16 Vict. c. 4; 17 Vict. c. 11; 26 Vict. c. 32); but no Act expressly confirming the patent exists in this Colony.

2. £. 1,000 per annum; Colonial Bishoprics Fund.

3. Number of clergymen, including retired missionaries, is 61.

4. Presentation to benefices vested in the Lieutenant Governor, as representing the Crown. (*See* Commission to Viscount Monck as Governor General, October 1861, and "Royal Instructions," section xiii.)
The sources of emoluments to the clergy are pew rents, offertory collections, subscriptions, and in some cases from glebes and endowments.

5. Number of churches and chapels, 106.
Property vested in church corporations, which have a legal existence in each parish.

6. No such charter exists in New Brunswick.

7. The Acts of the Provincial Legislature designate the Bishop as "The Right Reverend the Lord Bishop of Fredericton."
Each parish has, or may have, a "Rector," who is so designated by law.

Enclosure 2.

Enclosure 2.

OBSERVATIONS of the late Chief Justice *Parker* in reference to the Church of England in this Province.

As New Brunswick had a Legislature at the time of the appointment of the Bishop of Fredericton, it is important to examine how far the Legislature have recognised the Bishop, his diocese, and his corporate character.

The late decision of the Judicial Committee of the Privy Council in the Colenso case has led to some rather flippant conclusions from it, in its applications to Colonial bishoprics; and, so far as it affects New Brunswick, the judgment, no doubt, negatives the existence of coercive jurisdiction. But as none such have been exercised or set up, we remain pretty much as we were *de facto*, and may derive benefit from the question of the *de jure* being settled without an interposition.

Some particulars, however, as to the legal status of the Church of England in this Province ought to be known in England, where there is too great a tendency to ignore the proceedings of the Local Legislature, and to assume that our venerable church is, in our Colonies, looked upon with disfavour, and enjoys no status whatever.

The Province of Nova Scotia was constituted in about the middle of last century; what is now New Brunswick, being then an integral part of it, and known as the county of Sunbury. A constitution was granted to it, and its first Legislative Assembly was holden in October 1758, and representatives sent from Sunbury as well as the other counties of Nova Scotia.

On the termination of hostilities between the old Colonies in America and the Mother country, and the acknowledgment of their independence in 1783, it was deemed advisable to divide Nova Scotia into two provinces, and to furnish a home in the new province for a large body of loyalists, who were anxious to preserve their allegiance, and to live under British institutions. Among them were many of high character, education, and standing.

The Commission to Thomas Carleton, Esq., the first Governor of New Brunswick, bears date August 1784. It was opened by him at St. John, on 20th November 1784, and he assumed the government, aided by a very efficient Council, the members of which were named in the Commission, and several ordinances were passed and grants made. The Supreme Court, with four judges, and having the jurisdiction of the Common Law Courts at Westminster, was also constituted by the King, and sat for the first time in April 1785. The Legislative Assembly met for the first time, 3rd January 1786. From October 1758 to November 1784 New Brunswick continued under the Government and Legislature of Nova Scotia, and the Acts of Assembly remained in force, some until superseded by new Acts on the same subject, and others until 1791, when by an Act of New Brunswick Assembly (31 Geo. 3, c. 2) it was declared that "No law passed in the "General Assembly of the Province of New Brunswick should be of any force or validity "within the Province, provided that the Act should have no retrospective force in "operation."

By an Act of the Legislature of Nova Scotia, passed at its first Session in 1758 (32 Geo. 2, c. 5), it was enacted, that "the sacred rites and ceremonies of divine worship "according to the Liturgy of the Church, established by the laws of England, should be "deemed *the fixed form of worship amongst us*; and the place wherein such Liturgy shall "be read shall be respected and known by the name of the *Church of England as by law "established.*"

By the Act (33 Geo. 2, c. 2) the parish of St. Paul's in Halifax was constituted, and the last section of the Act enacts "that all ministers of the Church of England not con-"forming themselves to the rules prescribed by the canons of the said church shall be "subject to the penalties named therein, and none other; any law, usage, or custom to "the contrary notwithstanding." Such was the state of the law relative to the Church of England, and how New Brunswick became a separate Province. *No Bishop had then been appointed in any of the North American Colonies,* the Bishop of London being the only recognised diocesan. The attachment, however, to the Church of England was great, a large portion of the loyalists being members of the Church, and several of its early clergy having had churches in New York, New Jersey, and New England.

We are not surprised then to find among the first Acts of the Legislature of New Brunswick in 1758, 26 Geo. 3, c. 4, "An Act for preserving the Church of England "*as by Law established in this Province,* and for securing Liberty of Conscience in Matters "of religion." The first section of this Act provides, that "no person shall be capable to "be admitted to any parsonage or other ecclesiastical benefice or promotion whatever "within the Province of New Brunswick, before such time as he shall be ordained accord-"ing to the form and manner by law established in said Church of England;" and the second section provides, that "every person having any ecclesiastical benefice or promotion "within the Province, not having some lawful impediment to be allowed and approved of "by the Governor or Commander in Chief for the time being, shall perform service once "a month at least."

It may be well here to mention that it was customary by the Royal Instructions accompanying the Governor's Commission in the old Colonies, as it was to the Governor of New Brunswick, and prior to the Legislature they formed part of the Constitution,

NEW BRUNSWICK.

to require the Governor to give all countenance and encouragement to the exercise of the ecclesiastical jurisdiction of the Lord Bishop of London in the respective Provinces, excepting only the collating to benefices, granting licenses for marriage, letters of administration, and probates of wills, which are expressly reserved to the Governor for the time being.

In 1787 the Bishopric of Nova Scotia was constituted, and the Bishop exercised episcopal jurisdiction over New Brunswick till 1845, when the Bishop of Fredericton was appointed by Letters Patent under the Great Seal of Great Britain.

By the charter of the Madras School, dated 23rd August 1819, "The Lord Bishop "of Nova Scotia holding and exercising episcopal jurisdiction in and over the Province "of New Brunswick, or *the Bishop holding and exercising episcopal jurisdiction for the "time being*," is made one of the members, and by an Act of Assembly, 60 Geo. 3, c. 6, this charter is expressly confirmed.

The charter of the College of New Brunswick passed under the Great Seal of the United Kingdom, as was contemplated by previous Acts of the Legislature, *see* 4 Geo. 4, c. 33, dated 15th December 1827, makes the Bishop of Nova Scotia, or *the Bishop for the time being of the diocese in which the town of Fredericton may be situated in any future division or alteration of the said then present Diocese of Nova Scotia*, the visitor of the college. This charter was expressly recognised by Act of Assembly, 9 & 10 Geo. 4, c. 29, and all the property of the college which preceded it, constituted by provincial Letters Patent, was transferred to the new college corporation, of which the King was declared to be the founder. This Act has since given place to a new Act, 22 Vict. c. 63, which constitutes the University of New Brunswick, and transfers all the property of the college to the University. The Lieutenant Governor of the Province is made the visitor, and there is to be no professor of theology or religious test. This Act was specially confirmed by Her Majesty in Council, 13th January 1860, and the Bishop has ceased to have anything to do with the University. The governing body consists of a senate, all of whom are laymen, and one is president.

Act 16 Vict. c. 4, incorporating the Diocesan Church Society, and the Act 26 Vict. c. 32, recognises also the Bishop as the Lord Bishop of Fredericton, and the mortgage to him by the Church Corporation of St. John does the same. Several other Acts contain a similar recognition of the Bishop, *e. g.*, 4 Vict. c. 3, 11 Vict. cc. 44 and 45, 12 Vict. c. 56, 13 Vict. c. 14, 16 Vict. cc. 47, 49; 17 Vict. c. 46, &c. All these Acts refer to the Lord Bishop of the Diocese, making his assent necessary to the transfer of lands of the Church Corporations.

Act 17 Vict. c. 11, recites as follows: "Whereas the Right Reverend John Medley, "Doctor of Divinity, *Bishop of the Diocese of Fredericton*, is seizen in fee simple to HIMSELF "AND HIS SUCCESSORS FOR EVER of a lot of land. Fredericton."

Act 9 Vict. c. 69, recites a grant from the Crown of part of the Church Green to the *Right Reverend John the Lord Bishop of Fredericton and his successors*, for the purpose of erecting a *cathedral* thereon, and no other building.

The Revised Statutes passed in 1854, although they repealed the Act 26 Geo. 3, c. 4, recognised the Church of England, though not as the Established Church, and re-enacts several provisions of the old Act, and that the rectors hold the glebe in like manner as glebe lands are held in England, although the fee is in the Church Corporation of the parish. Our Acts always use the term the *Church of England*, and not the United Church of England and Ireland, as the Union in 1800 did not affect its status.

The several legislative provisions recognise the Church of England, the rectors of the parishes, the Lord Bishop of the Diocese, his corporate capacity, and the latter Act also the cathedral, and most distinctly recognise the Lord Bishop of Fredericton, Dr. John Medley, to be the Bishop of the Diocese.

There are some Acts of Assembly bearing upon the subject not referred to in the preceding paper.

1858. 21 Vict. c. 58. The Church Corporation of Chatham authorised to sell ferries by and with the approbation of the Lord Bishop of the Diocese.

1859. 22 Vict. c. 35. "An Act to regulate the Sale and Disposal of Church and Glebe "Lands of the Church of England in this Province." This Act says that every conveyance shall receive the sanction of the Lord Bishop of the Diocese, signified by his being a party thereto, and executing the same. Several sales have taken place.

1858. 22 Vict. c. 54. Diocesan Church Society Amendment Act recognises the Bishop of Fredericton.

1864. 27 Vict. c. 28. An Act to enable the Church Corporation of Woodstock to convey certain Lands for the Use of Canterbury. Section 1 enacts that half the land should be conveyed to the Bishop of the Diocese of Fredericton, to be held by him and his successors for ever. 2. The said Bishop is to appoint one of the arbitrators, and the land is to be conveyed to the Bishop. 4. The conveyance to be made to the Bishop of Fredericton. 5. The Bishop and his successors are to hold the land in trust.

(signed) *R. P.*

PRINCE EDWARD ISLAND.

No. 4.

Copy of DESPATCH from Lieutenant Governor *Dundas* to the Right Honourable the Earl of *Carnarvon*.

(No. 95.)

Government House, Prince Edward Island,
5 December 1866.

My Lord, (Received, 17 December 1866.)

In reply to your Circular Despatch of 13th September, I have the honour to enclose answers to the several questions contained in that Despatch, so far as it relates to this Colony.

I also enclose a statement of the salary of the Bishop of Nova Scotia, exercising jurisdiction over this island, with the sources whence that salary is derived.

I have, &c.
(signed) *George Dundas*,
Lieutenant Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Prince Edward Island.

Enclosure.

Answers to Questions contained in a proposed Address to Her Majesty respecting Colonial Bishoprics, &c. &c.

1. The Bishop of Nova Scotia exercises jurisdiction over Prince Edward Island, under the Letters Patent, during Her Majesty's pleasure. The present Bishop was appointed in 1851. By Act 43 Geo. 3, cap. 6, the Liturgy of the Church, established by the laws of England, is to be deemed the fixed form of worship. No minister is to officiate as a minister of the Church of England, who shall not produce a license from the Bishop of London or the Bishop of Nova Scotia.

2. Ten pounds sterling, interest of money invested in the island.

3. Ten clergymen, of whom one is a pensioner.

4. Clergy appointed by people; licensed by Bishop, inducted by Lieutenant Governor, under authority of 43 Geo. 3, cap. 6.

5. Eighteen churches and chapels, of which the sites are either vested in the minister, wardens, and vestry, who form a corporation, or in the Society for the Propagation of the Gospel, the glebes being generally held in trust by the latter.

6. There are no such charters.

7. The Act 43 Geo. 3, cap. 6, is entitled "An Act for the better and more effectual Establishment of the Church of England in this Island."

By Act 15 Vict. cap. 17, the President of the Diocesan Church Society is "the Bishop of Nova Scotia for the time being, so long as he shall hold episcopal jurisdiction over this island."

Correction of Parliamentary Return of Number of Colonial Bishops, &c.

Name of Bishop.	Diocese.
Hibbert Binney.	Nova Scotia and Prince Edward Island.

Salary.		From what source derived.
510 *l.*	-	Interest of 8,500 *l.*, placed by the Society for the Propagation of the Gospel in hands of trustees, invested in Nova Scotian Debentures.
120 *l.*	-	Interest of 2,000 *l.*, granted by the Society for the Promotion of Christian Knowledge, invested by the same trustees on mortgage in Nova Scotia.
219 *l.*	-	Interest of trust fund paid by the Society for the Propagation of the Gospel to present Bishop, but not appropriated to diocese.
100 *l.*	-	Interest of money subscribed in Nova Scotia and Prince Edward Island towards endowment of see.

NEWFOUNDLAND.

No. 5.

NEWFOUNDLAND.

No. 5.

COPY of a DESPATCH from Governor *Musgrave* to the Right Honourable the Earl of *Carnarvon*.

(No. 126.)

Government House, Newfoundland,
27 October 1866.

My Lord, (Received, 17 November 1866.)

WITH reference to your Lordship's Circular Despatch of the 13th September last, I have the honour to forward a Return furnishing, as regards Newfoundland, the information sought respecting Colonial Bishoprics and Ecclesiastical Establishments by the Bishop of London's notice of motion in the House of Lords.

2. The Return laid before Parliament, corrected to the 5th June 1865, showing the number of Colonial Bishops of the Church of England, the salaries of each, and the sources from which those salaries are derived, is accurate so far as regards this Government.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(signed) *A. Musgrave.*

Enclosure.

Enclosure.

NEWFOUNDLAND.

RETURN required by Circular Despatch of 13th September 1866, relating to Colonial Bishoprics and Ecclesiastical Establishments in connexion with the Church of England.

1. A list of the Bishoprics of the United Church of England and Ireland in Her Majesty's Foreign and Colonial Possessions, with the dates of the appointment of the holders of such Bishoprics, distinguishing those whose authority has been recognised by Actsof the Imperial Parliament of the Colonial Legislatures.

1. Edward Feild, D.D., consecrated, 1844, Bishop of Newfoundland, in which diocese the Bermudas are included. The Bishopric has not been recognised in any Act of the Imperial Parliament or of the Colonial Legislature.

2. A statement of the revenues of such Bishoprics, and the sources from which such revenues are derived.

2. Salary 1,200*l.*
- 300 *l.* Parliamentary vote as Archdeacon of Newfoundland.
- 200 *l.* Parliamentary vote } as Archdeacon of Bermuda.
- 200 *l.* Colonial funds }
- 500 *l.* from Society for Propagation of the Gospel, as Bishop of Newfoundland.

3. The number of clergymen subject to each Bishop.

3. Forty-two clergymen are subject to the Bishop in the Government of Newfoundland.

4. The manner in which such clergymen are appointed, and the sources from which their emoluments are drawn.

4. The clergy are all appointed by the Bishop. Of the whole number of 42 clergymen, 34 are maintained by the "Society for the Propagation of the Gospel in Foreign Parts," aided by contributions from their congregations. One is Master of the Church of England Academy in St. John's, and seven are supported entirely by local subscriptions.

5. The number of churches and chapels subject to each Bishop, with a statement of the parties in whom the property of such churches is vested.

5. There are 81 churches and chapels subject to the Bishop of Newfoundland, the property of which is vested in the Bishop, with the sole exception of Harbour Grace Church, which is in the hands of trustees.

6. Extracts from any Colonial Charters relating to the churches and clergy of the United Church of England and Ireland in the Colonies, their appointments and stipends, and their powers of meeting in synod.

6. There is no Colonial Charter, nor any power of meeting in synod recognised by law.

7. A statement of the designations assigned by law to such Colonial Bishops and clergy in the Colonies.

7. There is no designation assigned by law in Newfoundland to the Bishop and clergy, no church being recognised as established by law in the Colony.

BERMUDA.

No. 6.

Copy of a DESPATCH from Lieutenant-Governor *Hamley* to the Right Honourable the Earl of *Carnarvon*.

(No. 24.)

Bermuda, 26 December 1866.

My Lord, (Received, 1 February 1867.)

1. Having obtained the best advices within my reach on the subject of your Lordship's Circular Despatch of 13th September 1866, I have the honour to subjoin the following heads of information in reference to the paragraphs of a Return to have been moved for by the Bishop of London in the last Session of Parliament.

2. The Bishopric to which Bermuda is attached is that of Newfoundland, of which the diocesan is the Right Rev. Edward Field, D.D. I cannot trace a recognition of the Bishop in any Act of the Imperial Government. He has, however, been in many instances recognised by the Colonial Legislature, and once, namely, in an Act passed on the 26th September 1866, as "the Lord Bishop of Newfoundland." In 1843, 1864, 1865, and in the present year, he has been recognised in Acts of the Legislature as "the Bishop of the Diocese."

3. The Bishop, as Archdeacon of Bermuda, receives 200 *l.* per annum from Colonial funds. In the same capacity he receives 200 *l.* per annum from Imperial funds. Under sanction of one of your Lordship's predecessors, he continues to receive these amounts, the archdeaconry having been merged in the episcopate.

4. There are five beneficed clergymen, and one perpetual curate or incumbent of a chapel of ease, subject to the Bishop of Newfoundland, in Bermuda.

5. They are presented by the Governor to the Bishop or his Commissary for induction. They are all paid from Colonial resources, *i.e.*, from the Public Treasury, and from parochial grants voluntarily settled upon them.

6. There are nine parish churches and two chapels in connexion with the Church of England. There does not appear to be any legislative enactment distinctly affecting the title to these buildings; but the parish churches, as well as the chapels, have always been taken to be vested in the rectors, who are understood to have the same title to the freeholds of the churches and churchyards as rectors in England have.

7. There is no Charter expressly relating to the churches and clergy of the United Church of England and Ireland, their appointments and stipends, and their powers of meeting in synod; but the history and legislation of the Colony from its infancy are intimately mixed up with church matters.

Bermuda was originally comprised in the Government of Virginia; and in the Royal Ordinance of 20th November 1606, which the first planters of Virginia took with them when they went to settle in America, occurs the following passage:—

"The said president, council, and the ministers shall provide that the Word "and service of God be preached, planted, and used not only in the said Colo-"nies, but also as much as may be among the savages bordering among them, "according to the rites and doctrines of the Church of England."

King James the First, in the 13th year of his reign, chartered the Governor and Company of the City of London for the plantation of the Somers Islands. This Charter contained no mention of the Church of England, but merely expressed a determination "that no person addicted to the superstition of Rome "should be at any time allowed to pass into the said islands."

The commission of Richard Moore, the first Governor, has the following:—

"And for that religious government doth best bind men to perform their "duties, it is principally to be cared for that prayers be said every morning and "evening in the course of your said voyage, and continued likewise during the "time of your residence abroad, as the best testimony of your good carriage in "your duty to God, and means to preserve peace and concord amongst yourselves, "for the better performance whereof there are divers good books provided and "delivered unto you to be employed for the said service."

BERMUDA.

One of Governor Moore's first acts certainly was to build a church in the parish of St. George, wherein at first the Book of Common Prayer appears to have been in use, but in 1620 this was superseded by the Liturgy of Guernsey and Jersey. In 1612 Governor Moore and his fellow colonists signed certain articles or constitutions, by the first of which they bound themselves by solemn obligations "ever to continue in that faith unto the which they were baptized in "the Church of England."

Glebe lands were first set apart in 1619. The present form of constitution was established in 1687. The first Act of the Bermuda Legislature endowing the Church of England was passed in 1693.

No legislation exists as to the power of the clergy to meet in synod; but it has generally been taken for granted that the opinion expressed by the Attorney General and Solicitor General of England, Sir Philip Yorke and Sir Clement Weare, in 1725, to the effect that, in a Colony somewhat similarly constituted, the clergy had no right to meet in synod without the royal licence, was equally applicable to Bermuda.

8. The Bishop has been styled "the Bishop of the Diocese," and once "The Lord Bishop of Newfoundland." The laws designate the clergymen or ministers of the church "incumbents" or "rectors of livings" since 1820; but prior to that year as "ministers of these islands."

I have, &c.
(signed) *W. G. Hamley*,
Lieutenant Governor and Commander in Chief.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

BRITISH COLUMBIA.

BRITISH COLUMBIA.

No. 7.

No. 7.

COPY of a DESPATCH from Governor *Seymour* to the Right Honourable the Earl of *Carnarvon*.

(No. 9.)

Victoria, 21 December 1866.
(Received, 25 February 1867.)

My Lord,

Bishop of Columbia. Victoria, 18th December 1866.

I HAVE the honour to forward the Return furnished me by the Bishop of British Columbia, in compliance with the request made in your Lordship's Circular Despatch of the 13th September 1866.

I have, &c.
(signed) *Frederick Seymour*,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Enclosure.

The Bishop of *Columbia* to Governor *Seymour*.

My dear Sir,

Victoria, 18 December 1866.

I BEG to send you, annexed to this, the information sought for by the notice of the Bishop of London, according to your request.

I have, &c.
(signed) *G. Columbia*.

1. Bishopric of British Columbia. Present holder, George Hills, first Bishop. Date of appointment, Letters Patent, January 12th, 1859; Consecration, February 24th, 1859.

2. Revenue of Bishopric derived from a capital sum of 15,000*l.*, the benefaction of Miss Burdett-Coutts, now invested in the Colony, viz.—

	£.
In land, including 1,000 *l.* expended in providing residence - -	10,000
On mortgage - - - - - - - - - - - -	5,000
£.	15,000

Investments

Investments are made in the name of the Bishop and successors (officially), according to the provisions of the Letters Patent. BRITISH COLUMBIA

3. Number of clergy, 13.

4. Appointment of clergy. Of the present number, 12 are appointed directly by the Bishop; one by the Church Missionary Society.

Sources of income to the clergy. A capital sum of 10,000*l.*, the benefaction of Miss Coutts, invested in the Colony. Trustees, the Society for the Propagation of the Gospel.

For two archdeacons, grants from the Society for the Propagation of the Gospel, the Church Missionary Society, the Columbia Mission Fund, together with local subscriptions, offertory, pew-rents, and fees.

5. Number of churches and chapels, 21. Property in almost every case invested in the Bishop of the diocese, under the provisions of the Letters Patent.

6 and 7. I am not aware of any legal enactment bearing upon these questions in reference to British Columbia.

VANCOUVER ISLAND.

VANCOUVER ISLAND.

No. 8.

No. 8.

[Not received.]

WEST INDIES.

JAMAICA.

JAMAICA.

No. 9.

No. 9.

[Not received.]

BRITISH HONDURAS.

BRITISH HONDURAS.

No. 10.

No. 10.

[Not received.]

TURKS ISLANDS.

TURKS ISLANDS.

No. 11.

No. 11.

COPY of a DESPATCH from Governor Sir *J. P Grant* to the Right Honourable the Earl of *Carnarvon*.

(No. 31.)

King's House, Jamaica, 8 December 1866.

(Received, 1st January 1867.)

My Lord,

REFERRING to your Lordship's Circular Despatch of the 13th September last, desiring certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England in Turks Islands, I have the honour to transmit to your Lordship a Despatch from the President, containing his report on the subject. No. 103, 8th November.

I have, &c.

(signed) *J. P. Grant.*

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

TURKS ISLAND.

Enclosure.

Enclosure.

Turks and Caicos Islands.

(No. 103.) Government House, Grand Turk,
Sir, 8 November 1866.

WITH respect to the Circular Despatch from the Secretary of State dated 13th September 1866, desiring certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England,—

2. I have the honour to report, that in compliance with instructions from the Secretary of State, in my Despatch, No. 56, of the 11th June last, I transmitted a certified copy of an Ordinance, by which ecclesiastical authority in this Colony was transferred to the Bishop of Nassau from the Bishop of Jamaica, in whom it is now vested.

3. Three clergymen are now performing duty in this Colony:—the Rev. M. M. Dillon, Rector of St. Thomas; the Rev. J. C. Astwood, Rector of St. John; and the Rev. Wm. Lowe Glanville, Incumbent of St. George parish.

4. The first of these gentlemen was appointed by the Secretary of State, and receives 300 *l.* per annum; the second was appointed by my predecessor, President Inglis, and receives 200 *l.* per annum; and the third was presented by the Commissary of the Bishop of Nassau to the Secretary of State, and appointed to his incumbency during this year, receiving at present 100 *l.*, increased by a recently passed Ordinance, which is now under the consideration of Her Majesty's Government, to 200 *l.* per annum; all which annual salaries are paid by this Government.

5. The number of churches here is two, one in the parish of St. Thomas, and one in the parish of St. John, both being the property of the Colony.

6. Extract from the Charter of the Turks and Caicos Islands: "And we do hereby "authorise and empower our Captain-General and Governor-in-Chief for the time being of "the said Islands, in and over our Island of Jamaica, to present to the Bishop of the Diocese "of Jamaica for institution any person or persons to any churches, chapels, or other eccle-"siastical benefices within our said Islands and their dependencies, as often as any of them "shall happen to be void."*

7. The above is all the information I have it in my power to give; but doubtless the Secretary of State will be furnished from Nassau with all the other particulars necessary to complete the Return called for.

I have, &c.
His Excellency the Captain-General and Governor-in-Chief, &c., Jamaica. (signed) *Alex. W. Moir.*

BRITISH GUIANA.

BRITISH GUIANA.

No. 12.

No. 12.

COPY of a DESPATCH from Lieutenant Governor *Mundy* to the Right Honourable the Earl of *Carnarvon*.

(No. 58.)
Government House, Demerara, 5 November 1866.

My Lord, (Registered, 3 December 1866.)

3rd Nov. 1866.

I HAVE the honour to forward copy of a letter received from the Bishop of the Diocese, in answer to the questions contained in your Lordship's Circular of the 13th September last.

I am, &c.
The Right Hon. the Earl of Carnarvon, &c. &c. &c. (signed) *R. A. M. Mundy.*

Enclosure.

Enclosure.

Sir, Kingston House, 3 November 1866.

IN compliance with the request of the Lieutenant Governor, I beg to submit the following reply to your letter:

There are seven questions to be answered, and I take them in the order in which they stand in the printed Circular.

1. The Bishopric of Guiana was founded in 1842, and the Bishop was consecrated on the 24th of August in that year. The Bishopric is recognised by Act of Parliament, the Letters

* This clause has been repealed by a subsequent charter, dated 22nd October 1866, the effect of which to substitute "Nassau" for "Jamaica," in consequence of the creation of the Bishopric of Nassau (Bahamas).

Letters Patent constituting the See having been issued by the Queen on the authority of Parliament. They were afterwards published by the Governor in the Official Gazette after the Bishop's arrival in the Colony. British Guiana being what is termed a Crown Colony, this latter mode of procedure was deemed to be sufficient.

2. The salary of the Bishop is 2,000 *l.* per annum, and is paid out of the Consolidated Fund.

3. About 35 clergy. The number occasionally varies a little.

4. Those clergymen, and they are by far the larger proportion, whose salaries are drawn from the Colony, are appointed alternately by the Governor and Bishop. Whenever any of the Church Societies assist, the missionaries are generally selected at home.

5. Churches and chapels, 53. All Church property, whether in churches, chapels, houses, land, have hitherto been conveyed to the See in the name of the Bishop and his successors, but by a late Ordinance of the Colonial Legislature the rectors and vestries of the several parishes have the same power.

6. There are no Colonial Charters relating to the churches and clergy of the Church of England. Provision is made by a Clergy Bill whenever the civil list for the Colony is arranged, and this has latterly been settled every seven years.

7. The Bishop is stated in the Letters Patent "to have perpetual succession, and that he "and his successors be for ever hereafter called and known by the name and title of "Lord Bishop of Guiana." The clergy are designated Rectors and Curates in Colonial Ordinances.

The latter part of your letter will appear to be answered under No. 2, as the amount of income is there given, and the source from whence it comes.

I have, &c.
(signed.) *W. P. Guiana.*

The Honourable
The Acting Government Secretary.

BAHAMAS.

No. 13.

No. 13.

Copy of a DESPATCH from Governor *Rawson*, C.B., to the Right Honourable the Earl of *Carnarvon*.

(No. 21.) Government House, Nassau, 9 February 1867.
(Received, 5 March 1867.)

My Lord,

I have the honour to submit the information relating to the Bishopric and Ecclesiastical Establishments of the Bahamas required by your Lordship's Circular Despatch of the 13th September 1866. Nos. 1 to 5. Separate.

2. Its preparation has been unavoidably delayed by the absence of the Lord Bishop, upon whom I was dependent for parts of the information, for several weeks after the receipt of the Despatch, and by my own recent absences on visits to the out-islands. The delay, however, has been productive of some advantage, as it has enabled me to add to the information a valuable report from the Attorney General, who was absent from the Colony when I received the Despatch and obtained the report of his *locum tenens*.

(signed) *Rawson W. Rawson*,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure 1.

Reply to Query No. 1.

Bishop of Nassau, Addington Robert Peel Venables, D.D.; appointed on 28th October 1863; recognised by Imperial Statute 5 and 6 Vict. c. 4., and by Colonial Act, 24 Vict. c. 19.

Enclosure 2.

Reply to Query No. 2.

The income attached to the Bishopric of Nassau is 1,000 *l.* per annum, payable out of the Consolidated Fund; and from Colonial Funds 80 *l.* a year for a residence, and 45 *l.* for travelling expenses in visiting the out-islands.

Enclosure 3.

Replies to Queries Nos. 3 and 4.

STATEMENT of the Number of Clergymen subject to the Bishop of Nassau, and of the Manner in which such Clergymen are appointed, and the Sources from which such Revenues are derived.

Clergymen.	Office held under Colonial Government.	By whom Appointed.	EMOLUMENTS. From Colonial Government. Nature.	Amount. £. s. d.	From other Sources. Amount. £. s. d.	Source.	Total. £. s. d.
Rev. R. Swann	Rector of Christ Church.	Governor on alternate nomination of Governor and Bishop.	Salary Quinquennial Allowance. A Parsonage	275 – – 41 5 – – –	150 – –	War Department	466 5 –
Rev. W. Duncombe	Rector of St. Matthew's Parish.	ditto	Salary Quinquennial Allowance. Rent Chaplain to N. P. Asylum.	275 – – 117 – – 52 – – 50 – –	– –	– – –	494 – –
Rev. T. H. Fisher	Curate of St. Agnes	ditto	Salary Quinquennial Allowance. Rent Chaplain to N. P. Gaol.	200 – – 15 – – 30 – – 50 – –	50 – –	Colonial and Continental Church Society.	345 – –
Rev. R. Saunders	Rector of St. Anne's	ditto	Salary	250 – –	– –	– – –	250 – –
Rev. H. Todd	Curate of St. Mary's	ditto	ditto	150 – –	– –	– – –	150 – –
Rev. T. Hutcheson	– – –	Bishop	– – –	– –	200 – – as Curate of St. Matthew's, Western District Mission.	Bahamas Church Society and Private Subscription.	200 – –
Rev. T. Crowther	Curate of St. Matthew's.	Rector of St. Matthew's.	– – –	– –	100 – –	Rector of St. Matthew's.	100 – –
Rev. W. Strombon	Rector of St. John's, Harbour Island.	Governor on alternate nominations of Governor and Bishop.	Salary Quinquennial Allowance.	261 – – 33 17 –	– –	– – –	294 17 –
Rev. F. Lightbourne	Rector of St. Phillip's, Inagua.	ditto	Salary	150 – –	100 – –	Society for the Propagation of the Gospel.	250 – –
Rev. S. Minns	Rector of St. Paul's and St. Andrew's, Long Island, Exuma, and Ragged Island.	ditto	Salary Quinquennial Allowance.	150 – – 33 15 –	100 – –	ditto	283 15 –
Rev. J. Weatherstone	Rector of St. Stephen's and St. Peter's, Abaco, Grand Bahama, Biminis, Berry Islands, and Andros.	ditto	Salary Travelling Expenses. Rent	150 – – 20 – – 30 – –	50 – –	ditto	250 – –
Rev. W. Duncombe	Rector of St. David's, Fortune Island, Crooked Island, and Acklin's Island.	ditto	Salary	150 – –	50 – –	ditto	200 – –
Rev. T. Higgs	Rector of St. Patrick's, Eleuthera.	ditto	Salary Quinquennial Allowance.	150 – – 33 15 –	50 – –	ditto	233 15 –
Rev. A. Sullivan	Rector of St. Salvador	ditto	Salary	250 – –	– –	– – –	250 – –
Presidency of Turks Islands.							
Rev. M. Dillon	Rector of St. Thomas, Grand Turk.	Governor of Jamaica, on alternate nominations of Governor and Bishop.	Salary	300 – –	– –	– – –	300 – –
Rev. T. Astwood	Rector of St. John's, Salt Cay.	ditto	ditto	200 – –	– –	– – –	200 – –
Rev. W. Glanville	Rector of St. George's, Caicos Island.	ditto	ditto	200 – –	– –	– – –	200 – –

Enclosure 4.

Reply to Query No. 5.

RETURN of the Number of Churches and Chapels subject to the Bishop of Nassau, with a Statement of the Parties in whom the Property of such Churches is vested.

LOCALITY.	DESCRIPTION.	In whom vested.		REMARKS.
		Colonial Government.	Other Persons.	
New Providence	Christ Church Cathedral	Yes	—	
	St. Matthew's Church	ditto	—	
	St. Ann's Church	ditto		Destroyed by hurricane of 1st October 1866.
	St. Agnes' Chapel		Trustees.	
	St. Mary's Chapel		ditto	ditto.
	Dunmore Chapel		The Bishop	ditto.
	Adelaide Chapel		ditto.	
	The Creek Chapel		ditto	ditto.
Harbour Island	St. John's Church	Yes		ditto.
Spanish Wells	The Church		Trustees	ditto.
Eleuthera	The Current Church		ditto	ditto.
	The Bluff Church		ditto.	
	St. Patrick's, Governor's Harbour		Bishop.	
	Tarpum Bay Church		ditto.	
	Rock Sound Church		ditto.	
	Church at Thompson's Settlement		ditto.	
St. Salvador	Church at Arthurstown		ditto	Destroyed by hurricane.
	Church at the Bight		ditto.	
Long Island	Clarence Town Church		ditto	ditto.
	Church at Deadman's Cay		ditto	ditto.
	Church at Sims's Plantation		ditto	ditto.
Exuma	Church at George Town	Not	Unknown.	
	Church at Hart's Settlement		Bishop.	
Inagua	St. Phillip's Church		ditto.	
Berry Islands	Church at Stirrup's Cay		ditto.	
	Church at Bullock's Harbour		ditto	ditto.
Biminis	Church at Alice Town		ditto	ditto.
Andros	Fresh Creek Church		ditto	diito.
	Bowersound Church		ditto	ditto.
	Church at Nicholl's Town		ditto	ditto.
Abaco	Marsh Harbour Church		ditto.	
	Green Turtle Cay Church		ditto.	
Gd. Bahama	Eight-mile Rock Church		ditto.	
Fortune Island	Church		ditto	ditto.
Rum Cay	Ditto		ditto	ditto.
PRESIDENCY OF TURKS ISLAND.				
Grand Turk	St. Thomas Church	Yes.	—	
Salt Cay	St. John's Church	Yes.	—	
Caicos Island	Church at East Harbour		Private property	

Note.—The above list does not include private houses and schoolrooms used for Divine worship.

REPORTS of Attorney General and Acting Attorney General, containing Replies to Queries Nos. 6 and 7.

Attorney General's Office, Nassau,
29 January 1867.

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's note, transmitting to me the following papers:—

Circular Despatch of 13th September 1866:

Extract from the Orders of the day of the House of Lords for the 13th July 1866, giving notice of a motion of the Bishop of London: and

A copy of a Return made to the House of Commons in July 1864 of the number of colonial bishops; with the report of the Acting Attorney General on certain questions submitted by your Excellency to him during my absence from the Colony, on the subjects referred to in the foregoing documents.

The full manner in which the Acting Attorney General entered into the questions submitted to him, might justify me in merely stating my concurrence in the general scope of his report; but, as the subjects treated of are of very great importance, it may perhaps be more in accordance with your Excellency's wishes that I should briefly notice the points as they are set forth in the motion of the Bishop of London, and I therefore proceed accordingly to do so.

First.—Dr. Venables, the present Bishop of the Diocese, was, as appears by the Letters Patent, under which he holds his office, appointed the Bishopric of Nassau on the 28th of October 1863, and his authority as Bishop is recognised by both Imperial and Colonial legislation; the Imperial statute, 5 & 6 Vict. c. 4, and the Colonial Act, 24 Vict. c. 19.

Second.

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Second.—The actual salary of the Bishop is derivable from funds other than colonial. The only charge on the Colonial Funds for the Episcopate is 125 *l.* per annum, viz., 80 *l.* for house rent, and 45 *l.* for travelling expenses.

Third.—This question, I presume, will be answered by the Bishop.

Fourth.—The clergymen are appointed by the Governor, under the authority of the Royal Instructions to him as Governor, but the Bishop has been allowed the right, with the Governor, of alternate presentation. The emoluments of the clergy are derived chiefly from Colonial Funds, the amounts of which are now regulated by the Colonial Statutes 26 Vict. c. 19, 27 Vict. c. 14, and 29 Vict. c. 24, copies of which statutes have been furnished by the Acting Attorney General.

Fifth.—I am unable to state the exact number of churches and chapels subject to the Bishop of Nassau; the principal churches, however, prior to the hurricane of last year, were Christ Church, St. Matthew's, and St. Anne's, in the Island of New Providence; St. John's, at Harbour Island; and St. Phillip's, at Inagua. Unfortunately the churches of St. Anne and St. John no longer exist; but, assuming that they will be re-erected, I shall treat of them for the purposes of this question as being still in existence.

The present parish church of Christ Church, now designated the cathedral, was erected under the authority of the Colonial Statute, 7 Wm. 4, c. 2, passed in the year 1837, and was opened for service in the year 1840; but as this work was merely the erection of a new church on the site of an old one, the Act authorising it affords no evidence of the right of property in the land, which must necessarily, in the absence of express enactment to the contrary, govern the question of property in the structure. The date of the erection of the old church I have been unable to ascertain, but it is referred to in the Act 24 Geo. 3, c. 2, passed in 1784, as then existing, and the reference is such as to lead to the conclusion that a church on the site of the present cathedral had existed for a number of years prior to 1784 (*see* the statute alluded to, Bah. Laws, page 567; reprint of 1862); for whatever period, however, a church has so existed, there is no doubt but that it has been used as a church for the purpose of the celebration of Divine worship according to the rites and ceremonies of the Established Church of England, and it therefore comes within the 8th section of the Colonial Act, 13 Vict. c. 5, which enacts,—

"That the several churches, churchyards, and chapels in the Colony, which have prior "and up to the passing of this Act been subject to the exclusive ceremonial use of clergymen "of the United Churches of England and Ireland, or which have been or may be, by any Act "of the General Assembly of these Islands, dedicated exclusively to the use of the said "United Churches, shall respectively continue and be and remain subject to such exclusive "ceremonial use alone."

The church in the parish of St. Matthew was built under the authority of a Colonial Statute passed in the year 1799;

The church in the parish of St. John, under the 4 Wm. 4, c. 38, passed in 1834;

The church of St. Anne, under the authority of the Act 12 Vict. c. 15, passed in 1849; and

The church in the parish of St. Phillip, under the authority of the Act 15 Vict. c. 4, passed in 1852.

And all of such last-mentioned churches have been since their erection exclusively used as places of worship according to the rites and ceremonies of the Established Church of England, and come within the provisions of the 8th section, 13 Vict. c. 5, before quoted.

Sixth.—The Acting Attorney General has sent in with his Report various Acts of Assembly now in force, relating to the clergy, amongst which will be found the present Parochial Act, 9 Vict. c. 1; but I think it right to state that the position of the clergy of the Established Church of England, as an institution of the Colony, has been recognised by Legislative Enactments of the earliest date; thus, as far back as the year 1735, the annual sum of 75 *l.* per annum was by Colonial Act, 8 Geo. 2, c. 1, made a permanent contingent charge on the Public Revenue for paying the "Minister Incumbent of the "Parish," the entire Colony then constituting one parish; and by an Act passed in the 8th year of the reign of King George the Third the Colony was divided into parishes. The exact provisions of this Act I do not quote, as the Act is out of print; although it may doubtless be found among the ancient records in the Registrar of Records Office; but I shall content myself with referring to an Act passed in 1802, 43 Geo. c. 2, "to consolidate "and bring into one Act all the several laws enacted for the erecting and repairing of "churches, for the maintenance of the ministers of the Gospel," &c. &c.

This Act, after regulating the division of the Colony into parishes, and the election of vestries, *inter alia*, vested in the Bishop of London spiritual jurisdiction over the clergy in the Colony;

Declared that no clergyman who was not a graduate of one of the Universities in the United Kingdom should be qualified to be inducted as incumbent of any parish of the Colony;

Apportioned stipends for the incumbents of nine parishes, and provided for the purchase of glebes, and for the erection of churches and chapels of ease.

The provisions of the Act last quoted continued, with perhaps some unimportant alterations, to be the law until the creation of the Diocese of Jamaica, when the Bishop of London ceased to have spiritual jurisdiction in the Colony; the restriction of the right of ordination to graduates of colleges was removed, and the parochial law was very nearly brought into the state in which it is now to be found in the provisions of the 9 Vict. c. 1.

From the quotations I have made it will be seen that from the earliest history of the Colony the Church of England has been recognised as a constituent part of the establishments

ments of the Colony, and the clergy of that church have been endowed, and had a certain status assigned them, thus to a limited extent investing the church with the character of the Established Church of the Colony.

I agree, however, with the Acting Attorney General, that the clergy have no right to meet in synod.

Seventh.—I have not anything to add under this head to what has been already stated by the Acting Attorney General.

I have, &c.

His Excellency Governor Rawson, C.B. &c. &c.

(signed) *G. C. Anderson,*
Attorney General.

Acting Attorney General's Chambers,
Nassau, 13 October 1866.

Sir,

I HAVE the honour to receive your Excellency's commands, contained in your Memorandum of the 13th instant, requesting that I would supply you, as far as I was able, with certain information required by Her Majesty's Secretary of State upon the subject of the churches and clergy of the United Kingdom of England and Ireland in the Colony, and I have now the honour to report upon the four distinct questions submitted to me, as follows :—

First.—The Imperial Statute 5 Vict. c. 4, authorises Her Majesty to establish within the territorial limits of the then Diocese of Jamaica three or more dioceses, and it is under that Statute that the Diocese of Nassau has been created.

Second.—Before the separation of the Bahamas and Turks Islands from the See of Jamaica, the Colonial Act, 6 Geo. 4, c. 12, invested the Bishop of Jamaica with ecclesiastical jurisdiction over the Bahama Islands, enacting, *inter alia*, "That all laws, ordinances, "and canons ecclesiastical which are now used and in force in that part of the United "Kingdom called England, so far as the same relate to the ordering and ecclesiastical regimen "and jurisdiction over the clergy therein, and all rules of proceeding for carrying the same "into effect, shall be esteemed, accepted, and taken to be in full force and virtue within these "Islands, in respect of the clergy resident within the same." The statute then confers upon the Judges of the General Court the same powers with respect to enforcing the proceedings against the clergy as the Common Law Courts in England have with respect to the proceedings of the Ecclesiastical Courts, with a proviso which conserves to the Governor his rights as Ordinary of these Islands. The Act 10 Vict. c. 19, passed on the 26th February 1847, to amend the parochial laws of the Colony, section 4, enacts,—That every person employed in the performance of any duty in this Colony in connection with the United Churches of England and Ireland, and remunerated therefore, either in part or in whole, from the public funds of the Colony, and who is not by the canons or other ecclesiastical law subject to the jurisdiction of the Lord Bishop of the Diocese, shall, for any offence or misconduct, which would subject a clerk in Holy Orders to deprivation or suspension, be liable to be dismissed from such his office or employment, or to be suspended from the discharge of the duties thereof, by the Lord Bishop of the Diocese: Provided that such dismissal or suspension be certified to the Governor, or Officer administering the Government of the Colony for the time being, under the hand of the Lord Bishop, and seal of the diocese, or under the hand and seal of the Commissary of the said Lord Bishop, duly authorised by him for that purpose. On the 11th May 1861 the Colonial Act, 24 Vict. c. 19, to amend the above-recited Act, was passed, which, after reciting that it was in contemplation to "erect the Bahama Islands into an episcopate, separate and distinct from "the See of Jamaica," declares that upon such an event "All powers and authorities in and "by the said Act" (6 Geo. 4, c. 12) vested in the Bishop of Jamaica shall cease and determine, and the Bishop for the time being lawfully appointed and consecrated for the Bahama Islands shall be invested with, and have and exercise within the Bahama Islands, all and singular the ecclesiastical powers and authorities which have since the passing of the said Act been vested in or held and exercised by the Bishop of Jamaica for the time being. The 2nd section of the Act grants an annual allowance to procure a suitable residence for the "Bishop of the Bahamas," *eo nomine.* The Diocese of Nassau was created by Letters Patent, bearing date the 4th day of November, A. D. 1862, and are on record in the Registrar of Records, Book, K. 7. By this Patent the parish church of Christ Church was declared the cathedral of the diocese, and the town of Nassau to be the city of Nassau.

Third.—I find the designation of the Lord Bishop varies. By the Act 24 Vict. c. 19, he is designated "the Bishop of the Bahamas;" in the 26th Vict. c. 14 (Appropriation Act), "the Bishop of Nassau;" in the 3rd section, 27 Vict. c. 37, "the Bishop of the "Diocese;" in the 1st section, 28 Vict. c. 30, "the Lord Bishop of the Diocese;" in the 29th Vict. c. 4, in the title, preamble, and section 1, "the Lord Bishop of the Diocese;" in the 29th Vict. c. 1, section 5, "the Bishop of the Diocese;" in the 29th Vict. c. 39 (Appropriation Act), "the Lord Bishop of the Diocese." The general designation by law of the stipendiary episcopal clergy is clergymen of the United Churches of England and Ireland.

Fourth.—I know of no Colonial Charter relating to churches in this Colony, except the Patent before mentioned. In fact, this is not a Chartered Colony, and the clergy have no power of meeting in synod. The Colony is divided into parishes, and the clergy are appointed and receive their stipends under the authority of Colonial Acts, which I now

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proceed to detail. The different parishes in the Colony were erected as follows, by 9 Vict. c. 1:—

1. Christ Church,
2. St. Anne,
3. St. Matthew,
4. St. John,
5. St. Patrick,
6. St. Salvador,
7. St. Andrew,
8. St. Paul,
9. St. David,
10. St. George,
11. St. Thomas,
12. St. Peter,
13. St. Christopher,
14. St. Stephen,

with a distinct chapel and cure of souls attached to the parish church of Christ Church, now known as the District Chapelry of St. Agnes.

By 15 Vict. c. 4:—

15. St. Philip.

By 26 Vict. c. 19. The District Chapel and cure of souls attached to the parish of Christ Church, and known as the District Chapelry of St. Mary. The parishes of St. George and St. Thomas are in the Turks Island district, and since the separation of those Islands from this Government have ceased to be under its cure. Thus leaving 13 parishes and two district chapels, which are provided for as follows:—

By the Act 26 Vict. c. 19, the rector of Christ Church receives an annual salary of 275 *l.*

The rector of the parish of St. Matthew, 275 *l.*
The rector of the parish of St. John, 261 *l.*
The rector of the parish of St. Anne, 250 *l.*
The incumbent of the parish of St. Phillip, 150 *l.*
The incumbent of the parishes of St. Andrew and St. Paul, 150 *l.*
The incumbent of the parish of St. David, 150 *l.*
The incumbent of the parishes of St. Peter and St. Stephens, 150 *l.*
The incumbent of the parish of St. Patrick, 150 *l.*
Curate of district Chapel of St. Agnes, 200 *l.*
Curate of district Chapel of St. Mary, 150 *l.*

By 27 Vict. c. 14, the incumbent of the parish of St. Salvador, 250 *l.*

And by 29 Vict. c. 4, an annual grant of 100 *l.* is made by the Lord Bishop of the Diocese, to be applied by him in aid of the salaries of clergymen whose incomes would be reduced by the withdrawal of funds theretofore allowed by the Society for the Propagation of the Gospel abroad. All which annual salaries are subject to a quinquennial increase under the provisions of 26 Vict. c. 19.

By 26 Vict. c. 19, there is an annual allowance for house-rent.

To the parish of St. Matthew of	- - - - - -	£. 52
„ St. Anne	- - - - - - -	31
„ St. John	- - - - - - -	26
„ St. Phillip	- - - - - - -	20
and by 28 Vict. c. 30, to the curate of the district of St. Agnes	- -	30

The Act 15 Vict. c. 4, requires that the clergymen of the United Church of England and Ireland, to be employed within the parish, shall be in priests' orders, and by 29 Vict. c. 19, no person can hold any two of the specified incumbencies or rectories.

By 9 Vict. c. 1, a clergyman of the United Church of England and Ireland, on arriving within these Islands direct from any part of Great Britain and Ireland for the purpose of being, or of applying to be and being, inducted into any parish, is entitled to an allowance of 50 *l.*, and if with a wife or children, 45 *l.* more, and if from any other place, then such a sum as the Governor in Council may think fit, as expense of personal outfit and passage-money.

There is also another church within the Colony provided for out of the Colonial Revenue, but which does not come within the ecclesiastical jurisdiction of the Bishop of the Diocese. I refer to the Presbyterian Church of St. Andrew. The affairs of this church are regulated by the provisions of the Acts 10 Vict. c. 4, and 26 Vict. c. 19.

The edifice is Colonial property, and annual appropriations are devoted towards its care. Provision is made for the performance of Divine service by the appointment of a suitable "person, ordained by the Presbyterian Church in the Mother Country, to officiate as the "minister of the said church," and such minister, by the Act 26 Vict. c. 19, receives a salary of 261 *l.*, subject to a quinquennial increase, with an allowance of 52 *l.* for house rent; and by the 10 Vict. c. 4, a personal allowance of 50 *l.*, and if with a wife or a child 100 *l.*, for outfit and passage to these Islands.

I have thus, I think, furnished your Excellency with all the information bearing upon the legal status of the Church within the Colony which I have been able to gather from the various Colonial Statutes relating to it, and I have collected those statutes together, and they are forwarded herewith.

I have, &c.
(signed) *B. L. Burnside,*
Acting Attorney General.

His Excellency Governor Rawson, C.B.,
&c. &c. &c.

BARBADOS.

Nos. 14 to 19.

Copy of a DESPATCH from Governor *Walker*, C.B., to the Right Honourable the Earl of *Carnarvon*.

(No. 336.)

Windward Island, Barbados,
23 November 1866.
(Received, 15 December 1866.)

My Lord,

On receiving your Lordship's Circular instruction of the 13th of September last, desiring to be supplied with certain information relative to the Ecclesiastical Establishment of this Colony, I lost no time in communicating your wishes to the several Lieutenant Governors of this Government; and having received their respective replies, I placed the whole of the papers in the hands of the Archdeacon, who has, in concert with me, prepared the enclosed digest of them. The return includes Trinidad, and comprises, therefore, the whole diocese, and in that shape will probably be convenient to your Lordship.

I have, &c.
(signed) *J. Walker.*

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Enclosure.

Return supplying the Information asked for in the Secretary of State's Circular of 13th September, relative to the Diocese of Barbados.

1. The present "Diocese of Barbados" was constituted, together with the "Diocese of "Antigua" and the "Diocese of British Guiana," out of the former "Diocese of Barbados "and the Leeward Islands," by Letters Patent of Her most Gracious Majesty Queen Victoria, bearing date at Westminster the 21st day of August 1842.

The Right Reverend Thomas Parry, D.D., the present Bishop, was by the same Letters Patent appointed to the Bishopric. The Letters Patent of the Bishop of Barbados have been formerly recognised both by the Imperial Parliament and by the Legislatures of the several Colonies comprised within the diocese.

6 Geo. 4, c. 88.
7 Geo. 4, c. 44.
5 Vict. c. 4.
For Colonial Acts, *see* Appendix to No. 6 below.

2. The annual salary of the Bishop of Barbados is two thousand five hundred pounds sterling (2,500 *l.*), paid out of the Consolidated Fund.

3 and 5. The number of clergy, churches, and chapels subject to the Bishop of Barbados are as follows:—In the several islands of—

Barbados	-	49 clergy	-	44 churches and chapels.	
St Vincent	-	9 „	-	13 „	„
St. Lucia	-	2 „	-	3 „	„
Trinidad	-	15 „	-	25 „	„
Grenada	-	8 „	-	11 „	„
Tobago	-	4 „	-	7 „	„
Total	- -	87		103	

4. The Crown is recognised in each Colony as "the true and undoubted patron" of all rectories and island curacies. The rectors of parishes are in all cases presented to their rectories by the Governor in Chief on behalf of the Crown, the nomination resting alternately with the Governor in Chief and the Bishop of the Diocese, their institution to the cure of souls with the Bishop alone. The parochial curates are licensed by the Bishop to their respective cures on the nomination of the rectors of the parishes.

Provision is made by the Legislature of each island in the diocese for the payment of annual salaries to the clergy of the Church of England from the Colonial Treasury, as follows:—

In Barbados, for 11 rectors, 27 curates, and 1 gaol chaplain	at £.	9,220
„ St. Vincent, for 4 rectors and 4 curates - - - - -	„	1,850
„ St. Lucia, for 2 island curates - - - - - -	„	400
„ Trinidad, for 1 archdeacon, 7 rectors, and 9 curates -	„	4,920
„ Grenada, for 5 rectors and 2 curates - - - - -	„	1,630
„ Tobago, for 3 rectors - - - - - - - - -	„	960
Total, 76 Clergy, at - - -	£.	18,980

BARBADOS.

The stipends of the clergy are in many instances supplemented from the grant out of the Consolidated Fund or other funds at the disposal of the Bishop of the Diocese. The rectors have in most instances rectory houses provided them, either by the Legislature or by the several parishes. Legislative assistance has also been largely given from time to time towards the erection of churches, chapels, and curates' houses; and provision is made by legislative enactment in each Colony for the maintenance of such buildings in repair.

Of the remaining clergy of the diocese:

The archdeacons of Barbados and Trinidad receive respectively the salaries of 500 *l.* and 250 *l.* per annum out of the Consolidated Fund.

One parochial curate is paid wholly by the Society for the Propagation of the Gospel in Foreign Parts.

One assistant curate is paid wholly from funds at the disposal of the Bishop of the diocese.

Three assistant curates partly from funds at the Bishop's disposal and partly from private sources.

Six are engaged in educational work, whence they derive their principal emolument.

5. For number of churches and chapels, *see* No. 3. The property of the churches, chapels, and other ecclesiastical buildings of the Church of England is, in some instances, especially vested in the Bishop of the Diocese or in the rector and vestry of a parish; in other instances it is vested in the Bishop of the Diocese and rector of the parish jointly.

See Appendix.

6. There are no Colonial Charters, so called, relating to the clergy of the United Church of England and Ireland, in the diocese of Barbados. The appointments, stipends, and duties of the clergy are regulated in each island by Acts of the Colonial Legislature, of which a brief digest is appended.

See Appendix to No. 6.

7. The designation assigned by Her Majesty's Letters Patent to the Bishop of Barbados, is recognised in the legislative enactments of each island, which further empower him to exercise personally, or through his commissary or commissaries, the same ecclesiastical jurisdiction and authority as may be exercised according to the ecclesiastical laws and canons of England.

I have, &c.
(signed) *H. H. Parry*,
Archdeacon of Barbados and Vicar General.

November 1866.

Appendix to No. 6.

Being a List and Brief Digest of the several Colonial Enactments relating to the Jurisdiction and Authority of the Bishop of Barbados, the Churches and Clergy of the United Church of England and Ireland, in the Diocese of Barbados, their Appointment, Stipends, Duties, and Discipline.

14. BARBADOS.

1. By Act of 21st June 1720, the bounds of the several parishes of the Island are ascertained and fixed.

2. Act of 7th June 1825 enacts, that "Whereas his most Excellent Majesty George "the Fourth, King of Great Britain and Ireland, Defender of the Faith, &c., hath been "graciously pleased, by commission under his great seal, to appoint a Bishop for this his "Majesty's most ancient and loyal Colony, and the Leeward Islands . . . . . It shall and "may be lawful for the Lord Bishop of Barbados for the time being, or any person or persons legally appointed by him to act as his commissary or commissaries, to exercise spiritual "and ecclesiastical jurisdiction only over the clergy resident in this Island; whether beneficed "or unbeneficed," &c. And further, "That all laws, ordinances, and canons ecclesiastical, "which are now issued and in force in that part of the United Kingdom called England, so "far as the same relate to the due ordering and ecclesiastical regimen and jurisdiction over "the clergy therein, and all rules and regulations for carrying the same into effect, shall be "esteemed, accepted, and taken to be in full force and virtue within this Island;" and directs that "the judges of the Courts of Common Law in this Island shall be aiding and assisting "in enforcing, &c., such sentences . . . . in respect to the clergy within this Island, in the "same manner as the Courts of Common Law in England are authorised to assist the Ecclesiastical Courts in enforcing," &c. &c. &c.

3. Act of 21st March 1826. "Whereas the stipends allowed by law to the beneficed "clergy of this Island are considered inadequate, &c. . . . . And whereas it is deemed "essential to interests of true religion and the well-being of the Established Church;" proceeds to fix the stipends of the rectors of parishes at 500 *l.* currency per annum (= 320 *l.* sterling) from and out of the public treasury.

[The stipends of the rectors had hitherto been paid out of parochial funds.]

4. Act of 9th April 1834 regulates the allotment and rental of pews, sittings, and seats in the several parish churches, chapels, and other places of Divine worship within the Islands. (*See* also Act of 30th April 1834.)

5. Acts of 31st March 1840, 12th April 1847, 24th December 1851, 19th November 1857, and 17th December 1862, make provision for "the stipends of the curates of the Established "Church in this Island."

6. Act

6. Act of 5th September 1848 consolidates and amends the several Acts of this Island relating to vestries and churchwardens; laying down the time, place, mode of election, and number of vestrymen; the appointment by the vestry of each parish of a churchwarden,—the duties of the vestries being especially specified to be "the repair and maintenance of the "churches in their respective parishes, the salaries of the necessary church officers, the main- "tenance and education of the poor, and such other necessary parochial charges as are usually "borne by the parishioners and allowed by law;" and for these purposes they are empowered to levy parochial rates.

15. TRINIDAD.

An Ordinance, bearing date 27th February 1845, entitled "An Ordinance for the better "regulation of the duties of the clergy of the United Church of England and Ireland in this "Colony, and for ensuring the more effectual performance of the same," after reciting the Letters Patent of the Bishop of Barbados, proceeds to enact, "the better to give effect to "the powers and authorities vested in the said Right Rev. Father in God, Thomas Bishop of "Barbados and his successors, and to establish the laws which shall be received and be in "force respecting the ecclesiastical regimen of the clergy of the Church of England in this "Island, &c. . . . . That from and after the passing of this Ordinance, all laws, ordinances, "and canons ecclesiastical which are now used and in force in that part of the United King- "dom of Great Britain and Ireland called England, so far as the same relate to the due order- "ing and ecclesiastical regimen and jurisdiction over the clergy of the Church of England as "by law established therein . . . . shall be esteemed, accepted, and taken to be in full force "and virtue within this Island in respect of the clergy of the Established Church of England "resident within the same." And directs the judges of the Supreme Courts of Judicature within the Island to be aiding and assisting in carrying ecclesiastical processes into execution. Proceeds to divide the Colony for ecclesiastical purposes into 16 parishes; to constitute seven of these parishes into six rectories; to authorise the Governor, with the advice and consent of the Council of Government, to allow Island curates for the other parishes, such Island curate to be duly licensed by the Bishop of the diocese; to vest the patronage of every such rectory and Island curacy in Her Majesty, Her heirs and successors; to allow of curates being appointed from time to time as assistants to the rectors; to fix the salaries to be paid to the archdeacon, rectors, Island curates, and assistant curates out of the Colonial Treasury; to allow for the service of each church and chapel in the Island a clerk and sexton; to provide, in accordance with Her Majesty's royal instructions to the Governor of the Colony, for the erection and maintenance of convenient rectory houses, with glebes; to regulate the leaves of absence of the clergy; to provide for the case of the inability of any rector or Island curate to perform his ecclesiastical duties; and of the neglect of his duties by any such rector or Island curate; directs registers of baptisms, marriages, and burials to be duly kept; directs vestries to be appointed, and defines their duties; lays down by whom clerks and sextons are to to be appointed, and how removable.

16. GRENADA.

1. Act (No. XXXVII.), 11th December 1807 (commonly called "The Clergy Act"), repeals former Acts, and divides the Island of Grenada into two benefices. Carriacou to form another benefice. Each rector to be entitled to receive an annual stipend of 600*l.* currency. Regulates fees of rectors, clerks, and sextons; provides for repairs of churches, the keeping of registers, and marriages.

2. Act (No. XLII.), 20th March 1813, repeals so much of the Clergy Act of 11th December 1807 as relates to fixing the residences of the several rectors and the production of certificates thereof previous to the payment of their salaries; the mode of appointing clerks and sextons, and fixing their residence, salaries, and mode of payment; directs one clerk and sexton to be appointed to each church, and mode of their appointment, and their salaries, and constitutes a vestry for the town and parish church of St. George, with certain powers. (Constitution of this vestry altered by Act 9th March 1836.)

3. Act (No. LIV.), 13th March 1825. Establishes four benefices or cures in the Island, by separating the parishes of St. John and St. Mark from the parish of St. George, and the parish of St. Patrick from the parishes of St. Andrew and St. David; and provides a salary for the minister of the united parishes of St. John and St. Mark.

4. An Act (No. LV.), 14th March 1826. "In order the better to give effect to the "powers and authorities vested in the Lord Bishop of Barbados and the Leeward Islands, so "appointed (*i. e.* by Letters Patent of the King's most Excellent Majesty under the Great "Seal of the United Kingdom, &c.) and his successors in the See, and that he and they "should be enabled in the most full and ample manner to exercise spiritual and ecclesiastical "jurisdiction in and over the clergy of these Islands," (*i. e.* Grenada and its dependencies), declares "all laws, ordinances, and canons ecclesiastical which are now issued and in force "in that part of the United Kingdom of Great Britain and Ireland called England, so far as "the same relate to the due ordering and ecclesiastical regimen of and jurisdiction of the "clergy therein, and all rules and regulations for carrying the same into effect, shall be "esteemed, accepted, and taken to be in full force and virtue within these Islands," except when at variance with the Act commonly called the Clergy Act, and directs all Courts of Common Law to be aiding and assisting in enforcing ecclesiastical processes, &c.

5. Act (No. LXII.), 15th May 1829. Authorises any Minister of the Church of England, in priest's or deacon's orders, duly nominated and licensed by the Governor or Commander in

BARBADOS.

in Chief and the Bishop of the Diocese or his Vicar General, to officiate in any cure in these Islands in case of the sickness or absence of the rector or vacancy of the cure.

6. Act (No. CL.), 1st June 1848. Repeals Acts of 1831 and 1832 relating to vestries, appoints certain vestries in the Island of Grenada, and in the Parish and Island of Carriacou, and directs the allotment of pews, slips, or sittings in every parish church and in every chapel connected therewith by the vestries.

17. TOBAGO.

"An Act to enforce Church Discipline, and to establish Vestries in the several Parishes "of this Island" (20 Vict. cap. 6), repeals an Act (7 Geo. 4, cap. .), entitled "An Act for "establishing Spiritual and Ecclesiastical Jurisdiction over the Clergy of this Colony;" also an Act (6 Vict. cap 9) relating to the election of churchwardens, the keeping of church registers, the settling a vestry, &c., provides, that "From and after the passing of this Act, "all laws, ordinances, and canons ecclesiastical which now are used and in force in that part "of the United Kingdom of Great Britain and Ireland called England, so far as the same "relate to the due ordering and ecclesiastical regimen and jurisdiction over the Church of "England, as by law established therein, and all rules of proceeding for carrying the same "into effect, shall be esteemed, accepted, and taken to be in full force and virtue within this "Island in respect of the clergy of the Established Church of England resident within the "same," &c. That "If any rector or curate shall absent himself from his rectory or curacy "and ecclesiastical duties without the Bishop's licence, it shall be lawful for the Bishop to "appoint an officiating minister to perform the ecclesiastical duties of such rector or curate," &c., makes it lawful for the Bishop to issue commission to inquire in certain cases; arranges concerning the appointment and election of vestries, &c.

18. ST. VINCENT.

1. An Act (16th December 1825) provides, "That from and immediately after the publi- "cation of this Act, it shall and may be lawful for the Lord Bishop of Barbados and the "Leeward Islands, and his successors, during such time as these Islands shall be compre- "hended within or form part of the diocese of the said Bishop and his successors, to have "and exercise spiritual and ecclesiastical jurisdiction only over the clergy established therein, "whether such clergy be beneficed or unbeneficed, having the cure of souls; and that it "shall or may be lawful for the said Bishop and his successors to enforce such censures, "sentences, and judgments as he or they shall from time to time pronounce or declare "against the clergy of these Islands, or any or either of them, according to the laws "spiritual and ecclesiastical now in force, or which may hereafter become in force, in that "part of the United Kingdom of Great Britain and Ireland called England." "That it "shall and may be lawful for the said Bishop for the time being, his commissary or com- "missaries, to have and exercise spiritual and ecclesiastical jurisdiction over all and every "the subordinate officer or officers under him in such proceedings against such accused "clergyman, in case of any malfeazance or misfeazance in their respective offices, "according to the spiritual and ecclesiastical laws now in force in that part of the United "Kingdom called England." "That nothing in this Act contained shall extend, or be "construed to extend, to lessen, impair, or take away any power, jurisdiction, or authority "which the Ordinary of these Islands has or can by any ways or means whatsoever legally "claim or exercise, but all such rights, privileges, and authorities are hereby saved and "preserved in like manner as if this Act had not been made."

2. Act (1st August 1851) provides, "That any two Justices of the Peace in each parish, "by the appointment of the Governor, shall issue their warrant to the constables of the "parishes having churches, and for the Grenadines, to summon the freeholders thereof to "meet at the court house for the parishes of St. George and St. Andrew's, and at the "churches in the other parishes, and in the Island of Bequia, on such day, &c. . . . . "for the election of five vestrymen, each being possessed of land or houses in fee or for "life of the annual value of forty pounds, &c., and who, with the rector or officiating "minister of the parish or parishes, shall constitute and be a vestry for the parish or "parishes respectively," &c. . . . . "That all persons duly elected vestrymen, and "such vestrymen as shall be chosen churchwardens, and all committee-men who shall "neglect or refuse to serve in the said offices, shall forfeit five pounds, and the person whose "name shall stand next in seniority on the poll after the name of the last of such five men "shall be declared in vestry to be a vestryman in the place of the man who shall so neglect "or refuse to serve in the office of vestryman as aforesaid, and so on, *toties quoties*," &c.

19. ST. LUCIA.

Order in Council, 21st August 1843. Recites the Bishop's patent.

ANTIGUA.

No. 20.

COPY of a DESPATCH from Lieutenant Governor Sir *Benjamin C. C. Pine* to the Right Honourable the Earl of *Carnarvon*.

ANTIGUA
No. 20.

(No. 2.)

Leeward Islands, Antigua, 11 January 1867.
(Received, 1 February, 1867.)

My Lord,

I HAVE the honour, in reply to your Lordship's Circular Despatch of the 13th September last, requiring a return of certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England, of forwarding the required information, which has been furnished by the Venerable Archdeacon Clarke, of this Diocese.

I have, &c
(signed) *Benj. C. C. Pine.*

The Right Hon. the Earl of Carnarvon,
&c, &c. &c.

Enclosure.

Enclosure.

Sir,

Clare Hall, 19 December 1866.

I HAVE the honour to submit, for the information of his Excellency the Lieutenant Governor, the subjoined answers to the seven points of inquiry made by the Secretary of State relative to the Diocese of Antigua, in his Despatch of the 16th September ultimo.

I have, &c.
(signed) *George Clarke,*
Archdeacon of Antigua.

The Hon. C. M. Eldridge.

1. *Diocese of Antigua.*—The first Bishop received his mission from the See of Canterbury in 1824, and in 1825 an Act was passed by the Legislature of Antigua extending to the Island the laws, ordinances, and canons ecclesiastical of the Church of England relating to jurisdiction over the clergy. The present Bishop was appointed in 1860.

2. *Revenue.*—The revenue of the Bishop of Antigua is 2,000 *l.* per annum, derived from the Consolidated Fund.

3. *Number of Clergy.*—There are 29 clergymen under the Bishop, viz., in Antigua, 13; Barbuda, 1; Montserrat, 2; Dominica, 1; St. Kitts, 7; Nevis, 3; Anguilla, 1; Virgin Islands, 1: total in the Diocese, 29.

4. *Mode of Appointment, &c.*—The Archdeacons are collated by the Bishop. The incumbents are instituted on presentation by the Governor, the Governor and the Bishop nominating alternately. The curates are nominated by the rectors and licensed by the Bishop. The minister of Barbuda is appointed by the proprietors of the Island, and paid by them.

The Archdeacon derives his salary of 500 *l.* per annum from the Consolidated Fund, the Archdeacon of St. Kitts his salary of 250 *l.* from the same source. He holds in addition the incumbency of Basseterre. The incumbents and three of the assistant curates are paid entirely from the respective treasuries. The other assistant curates are paid partly from the Island treasuries and partly from funds at the Bishop's disposal.

5. *Number of Churches, &c.*—In Antigua, 6 churches and 5 chapels; Barbuda, 1 church; Montserrat, 3; Dominica, 1; St. Kitts, 9; Nevis, 5; Anguilla, 1; Virgin Islands, 1.
The prseentation to the livings is in the Crown.

6. *Extract from the Charters, &c.*—There are no charters.

7. *Designation of the Bishop.*—" The Lord Bishop of Antigua."

MONTSERRAT.

MONTSERRAT.
No. 21.

No. 21.

[Not received.]

ST. KITTS.

No. 22.

St. Kitts. No. 22.

(No. 171.)

COPY of a DESPATCH from Lieutenant Governor Sir *Benjamin C. C. Pine* to the Right Honourable the Earl of *Carnarvon*.

Leeward Islands, Antigua,
19 November 1866.

My Lord, (Received, 15 December, 1866.)

Mr. Holligan to Lieut. Governor Pine, No. 74, 12th November 1866.

I HAVE the honour to transmit to your Lordship a Despatch from the Administrator of the Government of St. Kitts, forwarding the accompanying statement relating to the Ecclesiastical Establishment in connexion with the Church of England in St. Christopher and Anguilla, called for by your Circular Despatch of the 13th of September last.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (signed) *Benj. C. C. Pine.*

Enclosure.

Enclosure.

(No. 74.)

Government House, St. Christopher,
12 November 1866.

Sir,

REFERRING to the Secretary of State's Circular Despatch of the 13th of September last, I have the honour to forward to your Excellency, for transmission to his Lordship, the accompanying statement relating to the Ecclesiastical Establishment in connection with the Church of England in St. Christopher and Anguilla.

2. The Parliamentary Return respecting Colonial Bishops is correct, so far as relates to this Government.

I have, &c.

His Excellency the Lieut. Governor, &c. &c. &c. (signed) *Jas. R. Holligan.*

STATEMENT relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England.

ST. CHRISTOPHER AND ANGUILLA.

1. There is no Bishop resident in St. Christopher or Anguilla, these Islands being included in the Diocese of Antigua, the Bishop of which was consecrated in 1860, and his authority in St. Christopher and Anguilla is recognised by Acts No. 23 (1825) and No. 99 (1851).

2. The revenue of the Bishopric of the diocese of Antigua will be given in the return from that Island.

3. The number of clergymen in St. Christopher subject to the Bishop is seven, in Anguilla one.

4. The clergy in St. Christopher are nominated and appointed by the Governor in Chief and Bishop alternately. The emoluments are drawn from the Colonial Treasury (*Vide* Act No. 95, 1850). The Archdeacon, however, is appointed by the Crown, and receives 250 *l.* from imperial funds. The clergyman in Anguilla is appointed by the Bishop, and receives the greater portion of his stipend from funds at the Bishop's disposal, the remainder from the treasury of Anguilla.

5. There are nine parish churches and two chapels in St. Christopher, subject to the Bishop. In Anguilla there is no church or chapel, but Divine service is held in the school-room. The churches are the property of the Colony. The chapels were built by private subscription; one in Basseterre is vested in the Bishop and the rector of St. George, the other in St. John's stands on the glebe land.

6. There are no charters.

7. The designation of the clergy is the same as in England.

NEVIS.

Nevis. No. 23.

No. 23.

[Not received.]

VIRGIN ISLAND.

No. 24.

[Not received.]

DOMINICA.

No. 25.

COPY of a DESPATCH from Lieutenant Governor Sir *Benj. C. C. Pine* to the Right Honourable the Earl of *Carnarvon*.

(No. 73.)

Leeward Islands, Antigua, 30 November 1866.

My Lord, (Received, 1 January 1867).

I HAVE the honour to transmit to your Lordship a Despatch from the Lieutenant Governor of Dominica, enclosing a letter from the Rev. W. T. Roper, containing the information called for by your Circular Despatch of the 13th September last, relative to the Anglican Establishment in that island.

No. 107. 26 Nov. 1866.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c. (signed) *Benj. C. C. Pine.*

Enclosure 1.

(No. 107.)

Sir, Government House, Roseau, 26 November 1866.

Enclosure 1.

I HAVE the honour to enclose herewith a copy of a letter from the Rev. W. T. Roper, containing the information called for by the Earl of Carnarvon in his Lordship's Circular of the 13th September last, relative to the Anglican Establishment here.

24 Nov. 1866.

I have, &c.

His Excellency Sir B. C. C. Pine, Kt. &c. &c. &c. (signed) *J. R. Longden,* Lieutenant Governor.

Enclosure 2.

Sir, Dominica, 24 November 1866.

Enclosure 2.

IN reply to your Excellency's communication of the 10th instant (No. 550), I have the honour to state,—

1. That I am the only clergyman in this island subject to the Bishop of Antigua.

2. That, judging from my own case, the presentation to the living is in the Governor-General, the right of instituting being in the Bishop of the Diocese. The stipend is paid out of the Colonial chest.

3. There is one church in Roseau, and the ruins of a chapel on the Geneva estate in the parish of St. Patrick.

4. I believe, in the case of the church in Roseau, that it is public property; but as regards the ruined chapel at Geneva, with the land which lies around it, I cannot rightly say in whom it is vested, inasmuch as the land was granted by the proprietor of the estate on certain conditions; but the Rector of St. George's for the time being has generally exercised some control over the said land.

5. There is also a small portion of land around the church (the burial-ground) the glebe lying to the east of the burial-ground and consisting of about 1½ acre, and a lot of land at St. Joseph's (1A. 1R. 29P.), which was purchased by Bishop Colridge for school purposes, and the rents of which are still so applied by me.

6. There is also said to be another lot of land of about two acres, some in the neighbourhood of the Londonderry River; but I am not aware of the exact locality, nor do I know if the land really belongs to the Church or not.

7. The style and designation of the one clergyman of the Church of England and Ireland in this island is Rector of St. George's.

I have, &c.

His Excellency the Lieut. Governor, &c. &c. &c. (signed) *W. T. Roper,* Rector of St. George's.

AFRICAN AND MEDITERRANEAN.

GIBRALTAR.

No. 26.

GIBRALTAR.

— No. 26. —

COPY of a DESPATCH from Major General *C. Crutchley*, Acting Governor of Gibraltar, to the Right Honourable Lieutenant General *Peel*.

(No. 143.)

Sir, Gibraltar, 1 October 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 39, dated War Office, 19th ultimo, forwarding copy of a "Circular," with enclosures, recently addressed to Colonial Governors by the Secretary of State for the Colonies, calling for certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England, and having caused the same to be referred to the Right Reverend Dr. W. J. Trower, I now transmit copy of his reply, containing the information called for, as regards the Bishopric of Gibraltar.

29th September 1866.

I have, &c.
(signed) *C. Crutchley*,
Major General, Acting Governor.

The Right Hon.
Lieutenant General Peel,
&c. &c. &c.

Enclosure 1.

Enclosure 1.

Sir, The Mount, Gibraltar, 29 September 1866.

I HAVE the honour to acknowledge your letter of 28th instant, with copy of circular, with enclosures, from the Right Honourable the Secretary of State for War.

I have answered the several questions to the best of my ability, on the sheet containing the questions, and return that sheet herewith, together with the other inquiry to which a reply is desired.

I have, &c.
(signed) *W. J. Gibraltar.*

Major General Crutchley,
Acting Governor of Gibraltar,
&c. &c. &c.

Enclosure 2.

Enclosure 2.

HOUSE OF LORDS.

EXTRACT from Orders of the Day and Notices for Friday, the 13th day of July 1866.

The Bishop of London,

To move an humble Address to Her Majesty for return setting forth,—

1. A list of the Bishoprics of the United Church of England and Ireland in Her Majesty's Foreign and Colonial Possessions, with the dates of appointment of the holders of such bishoprics, distinguishing those whose authority has been recognised by Acts of the Imperial Parliament or the Colonial Legislatures.

2. A statement of the revenues of such bishoprics, and the sources from which such revenues are derived.

3. The number of clergymen subject to each bishop.

4. The manner in which such clergymen are appointed, and the sources from which their emoluments are drawn.

5. The number of churches and chapels subject to each bishop, with a statement of the parties in whom the property of such churches is vested.

6. Extracts

6. Extracts from any Colonial Charters relating to the churches and clergy of the United Church of England and Ireland in the Colonies, their appointments and stipends, and their powers of meeting in synod.

7. A statement of the designations assigned by law to such Colonial Bishops and clergy in the Colonies.

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1. Bishopric of Gibraltar.
The present Bishop (Walter John Trower, D.D.) received mission (in accordance with the special direction in his Letters Patent to that effect) from the Archbishop of Canterbury, September 24th, 1863.
The latter part of Question 1 is (I suppose) inapplicable to the case of this See.

2. The revenue of the See is 1,200 *l.* a-year, paid by the Trustees of the Colonial Bishoprics Fund.

3. Forty-seven clergy. This includes the legation and consular chaplains; the missionary clergy of the Societies for propagating the Gospel; the Church Missionary Society; the London Jews Society; the Colonial Continental Church Society. It does not include, 1. The clergy at several places which are supposed to be under the customary jurisdiction of the Bishop of London, but which, *at his Lordship's request, and under his commission*, I am in the habit of visiting, *as being contiguous to my Diocese, or easily included in my visitations.* Nor does it (of course) include the naval and military chaplains, whether at Malta, Gibraltar, or elsewhere, who (though not in a legal sense my clergy) are really and virtually in a close ecclesiastical relation to me, especially as the confirmation of members of the United Church of England and Ireland in Her Majesty's troops stationed in my diocese is part of my office.

4. The civil chaplains, chaplains to embassies or legations, and consular chaplains, are of course appointed by the Crown. The clergy belonging to the above-named societies are appointed by the executive bodies of those institutions. The chaplain at Florence is named by the Bishop of Gibraltar, at the other places by the local Church committees.

5. Besides the Cathedral at Gibraltar, and Queen Adelaide's Church at Malta, and the Embassy Church at Constantinople, there are chapels secured for Church of England service at Cannes, Mentone, Florence, Trieste, Pisa, Bagni di Lucca, Leghorn, Nice (two), Malta (now building), Naples, Athens, Syra, Smyrna, Bournibat, Boodjah, and Constantinople (memorial church now building). Steps have been taken at several other places to build chapels. The present French law is unfavourable to the permanent assignment of land for Anglican worship; but in almost all these cases the property is in trustees for the use of Church of England. I suppose at Constantinople and Naples the land was granted by the local national authorities.

6. I have myself purchased a house and land in Malta for the purpose of a parsonage, and *an Act of the local Legislature* was wanted to legalise the purchase. Under that Act it is secured to the Bishop of Gibraltar for the time being, to be used by himself or a chaplain, as he may wish.
There are parsonages at Pisa (and a small endowment), Bagni di Lucca, and Leghorn. At Gibraltar a house was assigned by the late Bishop as a school-chapel, reverting to his family if it ever ceases to be used for ecclesiastical purposes.

7. By the patent erecting the See of Gibraltar it is directed that its Bishops shall be corporations sole, and be styled "Lords Bishops of Gibraltar." The clergy are generally known as the "British Consular Chaplains" at such or such a place, or "English Chaplains," or "English Civil Chaplains." There are Archdeacons at Gibraltar and Malta, appointed to that office by the Bishop.

Gibraltar, 29th September 1866. (signed) *W. J. Gibraltar.*

Enclosure 3.

RETURN RELATING TO COLONIAL BISHOPS.

A RETURN of the Number of Colonial Bishops, stating the Salaries of each, and Sources whence those Salaries are derived.

Name of Bishop.	Diocese.	Salary.	From what Source derived.
Walter John Trower, D.D. -	Gibraltar -	£. s. d. 1,200 – –	Colonial Bishoprics Fund.

MALTA.

No. 27.

MALTA.

No. 27.

COPY of a DESPATCH from Major-General *Ridley*, administering the Government of Malta, to the Right Honourable the Earl of *Carnarvon*.

(No. 91.)

Palace, Valletta, 5 November 1866.

My Lord, (Received, 12 November 1866.)

IN reply to your Lordships' Circular of the 13th September last, I have the honour to state, for the information of Her Majesty's Government, that there is in Malta no bishopric or ecclesiastical establishment in connection with the Church of England.

There is, however, a chaplain to Government, the Venerable Archdeacon Cleugh, D.D., who is also Surrogate to his Lordship the Bishop of Gibraltar.

His Lordship resides in Malta several months in each year, and has a certain jurisdiction under Her Majesty's Letters Patent.

I have &c.
(signed) *William Ridley*,
Major General, administering the Government.

The Right Hon.
The Earl of Carnarvon,
&c. &c. &c.

SIERRA LEONE.

No. 28.

SIERRA LEONE.

No. 28.

[Not received.]

GAMBIA.

No. 29.

GAMBIA.

No. 29.

[Not received.]

GOLD COAST.

No. 30.

GOLD COAST.

No. 30.

[Not received.]

LAGOS.

No. 31.

LAGOS.

No. 31.

[Not received.]

CAPE.

No. 32.

CAPE.

No. 32.

COPY of a DESPATCH from Governor Sir *P. E. Wodehouse*, K.C.B., to the Right Honourable the Earl of *Carnarvon*.

(No. 2.)

Government House, Cape Town,
11 January 1867.

My Lord, (Received, 20 February 1867.)

I HAVE now the honour, after communicating with the two bishops, whose dioceses are comprised within this Colony, to forward the following information called for by your Lordship's Circular Despatch of the 13th September last.

1. There are two bishops, the Bishop of Cape Town and the Bishop of Graham's Town. The former was appointed to his present diocese by Letters Patent,

Patent, dated the 8th December 1853, the latter by Letters Patent dated the 6th November 1856. Their authority has been so far recognised by the Colonial Legislature that by the Act No. 30, of 1860, they are empowered to transfer, accept, and alienate property.

2. The sum of 438 *l.* is payable annually to the Bishop of Cape Town by the Colonial Bishoprics Trustees. He receives also the interest on 5,050 *l.* invested in the Colony, as well as travelling allowances to the amount of 400 *l.* per annum paid out of the Colonial Revenue. The Bishop of Graham's Town receives about 1,000 *l.* per annum as the interest on money invested in Colonial Securities.

3. There are 48 clergy in the Diocese of Cape Town, and 35 in that of Graham's Town.

4. The Bishops have respectively furnished the following information as to the appointment and emoluments of the clergy:

The Bishop of Cape Town.—"The emoluments of the clergy are derived at "present partly from ecclesiastical grants, partly from grants from the Society "for the Propagation of the Gospel, partly from the contributions of the people. "The ecclesiastical grants are 400 *l.* to the Bishop, 1,800 *l.* to the clergy; glebes "are about 100 *l.* The Society for the Propagation of the Gospel's grants last "year were 2,600*l.*; the Bishop's grants were 1,000 *l.*; Sustentation Fund, 400 *l.*; "contributions of the people, 3,200 *l.* All clergy receiving any ecclesiastical "grants are appointed by the Crown on the recommendation of the Bishop."

The Bishop of Graham's Town.—"Of these 35 clergy, five receive stipends "from the revenues of the country, seven receive 100 *l.* a-year from Govern- "ment, the rest of their salaries being made up by contributions from their "congregations, either entirely or with the aid of grants from Church Societies "in England. Two are convict chaplains, and ten are missionaries among the "natives, supported by the Society for Propagating the Gospel. In reference "to the appointments to which Government contributes, the Governor is guided "by Royal instructions. In all appointments to English congregations for "which the Bishop is responsible he has bound himself to act according to rules "for patronage agreed on in the Diocesan Synod."

5. There are 54 churches or chapels, all but one vested in the See, in the Diocese of Cape Town. In the Diocese of Graham's Town there are 45, all but two vested in the Bishop as trustee.

6. I do not feel certain as to the exact nature of the information here asked for, and therefore give the replies of the two Bishops. The Bishop of Cape Town says, "There are no such Charters. The Church meets in synod as a "voluntary religious association."

The Bishop of Graham's Town says, "The only Colonial Charters of this "nature that I know of are some Ordinances by which the appointment of "a select vestry and churchwardens for six of the churches was authorised "before any Bishop arrived in the country. These Ordinances are contained "in the 'Statute Law of the Cape of Good Hope,' from 1714 to 1853, published "by authority."

7. His Letters Patent name as such the Bishop of Cape Town, and order him to be "deemed and taken to be Metropolitan Bishop."

The two Bishops are usually designated as the Lord Bishops of Cape Town and Graham's Town respectively.

In the "Return relating to Colonial Bishops," corrected to the 5th June 1865, it should be stated that the Bishop of Cape Town receives the interest on 5,050 *l.*, and not on 8,223 *l.*, and also that he receives travelling allowances to the amount of 400 *l.* per annum from the Colonial Government.

I have, &c.

The Right Hon. The Earl of Carnarvon, &c. &c.

(signed) *P. E. Wodehouse.*

NATAL.

No. 33.

[Not received]

ST. HELENA.

St. Helena.
No. 34.

— No. 34. —

COPY of a DESPATCH from Governor Vice Admiral Sir *Charles Elliot*, K.C.B., to the Right Honourable the Earl of *Carnarvon*.

(No. 164.)

St. Helena, 23rd November 1866.
(Received, 26 December 1866.)

My Lord,

Sub. 165/66.

I HAVE had the honour to receive your Lordship's Circular Despatch of 13th September last, transmitting copy of a notice which, during the last Session of Parliament, was given by the Bishop of London of a Return his Lordship had intended to move for in the House of Lords, but which notice was subsequently withdrawn, and also transmitting copy of a Return which was laid before Parliament showing the number of Colonial Bishops of the Church of England, the salaries of each, and the sources whence these salaries are derived.

2. In page 7 of the Return last mentioned I notice the sources of the salary of the Bishop of St. Helena are stated as follows: Colonial Funds 500 *l.*; interest on 5,000 *l.* colected by Bishop of Cape Town, 200 *l.*; interest on 2,379 *l.* 15 *s.* 10 *d.* granted by the Colonial Bishopric Funds, and invested on land in the island.

3. The Return in these respects is exact, with the correction, however, that the 500 *l.* stated to be derived from Colonial Funds is, in point of fact, the salary alloted to the Colonial Chaplain, and it will be observed in the Blue Book that his Lordship is returned as the occupant of that office.

4. The enclosed is a copy of a letter which the Bishop of St. Helena has been so good as to address to this Government, in fulfilment of your Lordship's desire for more detailed information on the points specified in the Bishop of London's withdrawn notice than it was in my power to afford.

I have, &c.
(signed) *Charles Elliot.*

The Right Hon.
The Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Enclosure.

Sir,

Oakbank, St. Helena.

IN compliance with the request of his Excellency the Governor, communicated to me in your letter of the 15th instant, I have the honour to furnish the following statement of the ecclesiastical establishment in this Island, the particulars of which I have arranged according to his Excellency's instructions under the heads specified in the Bishop of London's notice of a return, which his Lordship had intended to move for in the House of Lords.

1st. The Letters Patent by which I was appointed Bishop of the Diocese of St. Helena, embracing the Islands of St. Helena, Ascension, and Tristan d'Acunha, are dated the 19th of May 1862.

They were duly recognised on this island by publication in the Government Gazette.

The following extract from Ordinance No. 2, 1861, of the local laws of St. Helena, shows that the Bishop's authority is fully recognised by the Government of this Colony.

"Be it enacted by the Governor in Council . . . . that the Lord Bishop of the "diocese shall forthwith after the promulgation of this Ordinance institute a minister for "each of the said parishes," &c.

"That the patronage of, or right of presentation to, the said parishes and districts shall "be vested in the Lord Bishop of the diocese," &c.

The Letters Patent of my predecessor, who was the first Bishop of this diocese, were dated the 6th of June 1859.

This diocese was formed out of a portion of the Diocese of Cape Town in consequence of a petition from the inhabitants of the Island of St. Helena to the Bishop of Cape Town, praying that it might be made a separate diocese.

2. This Bishopric is endowed with a residence, and an income of 280 *l.* a-year arising from the interest of a sum of money raised partly by contributions of the inhabitants of St. Helena, partly by the Bishop of Cape Town, and partly by a grant from the Colonial Bishoprics Fund. The above income is supplemented by this Government with 500 *l.* a-year, the salary attached to the Colonial Chaplaincy, which office is held with the Bishopric.

3. There

3. There are five clergymen on the Island of St. Helena, subject to the Bishop, and a Catechist, missionary to the Africans, who is a candidate for ordination. The Naval Chaplain at Ascension is also subject to the Bishop, when he visits that island, as far as the regulations of the Navy and the permission of the Admiralty permit him to be. St Helena.

4. Three of the clergy are beneficed. The Bishop is patron of two of the benefices, which are rectories. The Crown nominates to the third, which is a vicarage.

The other two clergymen are curates appointed and licensed by the Bishop. The incomes of the clergy are derived from the following sources: Endowment by the Colonial Government (only in the case of the vicarage of St. Paul's); temporary grants from the Government; pew-rents; fees; offertories; annual contributions by parishioners, and from the funds of the St. Helena Church Society; and annual assistance from the Society for the Propagation of the Gospel.

5. Three parish churches and one chapel on the Island of St. Helena and one church at Ascension are subject to the Bishop.

The property of two of the parish churches in St. Helena, viz., St. Paul's and St. James, and of St. John's Chapel, is vested in the Bishop of Cape Town.

The property of St. Matthew's, the parish church of Longwood in St. Helena, and of St. Mary's, in the Island of Ascension, by a grant from the Lords Commissioners of the Admiralty, is vested in the Bishop of St. Helena.

6. There is no Colonial Charter relating to the churches and clergy of the United Church of England and Ireland in this Colony.

7. The designation of the Bishop in the Letters Patent, is "The Lord Bishop of St. Helena." The same designation is assigned to him in Ordinance, No. 2, 1861, of the local laws, by which the Island of St. Helena is divided into parishes.

In the same Ordinance the clergy are designated "rectors and vicars," and are declared to "have perpetual succession," and to be "removeable only for the like causes "and in the same manner as any rector or vicar is now by law removeable in England."

I have, &c.
(signed) *Thomas E. St. Helena.*

The Hon. R. C. Pennell,
Colonial Secretary.
&c. &c. &c.

EASTERN.

CEYLON.

— No. 35. —

Ceylon. No. 35.

Copy of a DESPATCH from Governor Sir *H. G. R. Robinson* to the Right Honourable the Earl of *Carnarvon*.

(No. 292.)

Queen's House, Colombo, Ceylon,
13 December 1866.
(Received, 19 January 1867.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 13th September last, calling for certain information relating to the Bishopric and Ecclesiastical Establishments in this Colony.

2. With reference to the first head in the notice of the Return which the Bishop of London proposed to move for, and which formed an enclosure of your Lordship's Despatch, I have to state that Her Majesty's territories in Ceylon were constituted a Bishop's See, to be called the "Bishopric of Colombo," by the Letters Patent dated the 26th April 1845. The present holder of the Bishopric, the Right Reverend Piers Calveley Claughton, was appointed by Letters Patent under the Great Seal, bearing date the 19th day of May 1862. His authority has not, as far as can be ascertained, been recognised either by Acts of the Imperial Parliament or the Colonial Legislature.

3. With regard to the second head, the salary of the Bishop is 2,000 *l.* a year, and he is entitled to an allowance, when travelling, of 2 *l.* 5 *s.* a day, but the total amount to be drawn on this account during any year is limited to 500 *l.* These amounts are paid from Colonial Funds.

4. The enclosed copies of returns furnished by the Bishop afford the information sought for under the third, fourth, and fifth heads.

 5. There

CEYLON.

5. There is no Colonial Charter relating to the churches and clergy of the United Church of England and Ireland in this Colony, nor is there any Colonial Law on the subject of the designation of the Bishop and Clergy.

6. I have to add, that the return of Colonial Bishops, &c., which was laid before Parliament is correct as far as Ceylon is concerned, except that no mention is made therein of the Bishop's allowance for travelling.

I have, &c.
(signed) *Hercules G. R. Robinson.*

The Right Hon.
The Earl of Carnarvon,
&c. &c.

Enclosure.

A RETURN of the Clergy in the Diocese of Colombo, the Manner of Appointment, and the Sources of their Emolument.

CLERGY.	Number.	Manner of Appointment.	Sources of Emolument.
Colonial Chaplains	12	Government	Government.
Aided Clergy	4	Ditto	Government and Local Subscriptions.
Diocesan Clergy	6	Bishop	Diocesan Fund.
Missionaries, S.P.G.	8	Ditto	Society for the Propagation of the Gospel.
Ditto - C.M.S.	15	Church Missionary Society.	Church Missionary Society.
Catechists ordained	8	Government	Government and Society for the Propagation of the Gospel.
Ditto unordained	5	Ditto	Government.
TOTAL No. of Agents	58		

A RETURN of the Churches and Chapels in the Diocese of Colombo, and the Manner in which they are Vested.

Churches and Chapels.	In whom Vested.	Churches and Chapels.	In whom Vested.
Cathedral, Colombo	Trustees.	St. Stephen's, Kandy	Bishop.
St. Peter's - ditto	- ditto.	Mission Church, do.	Church Missionary Society.
Trinity - ditto	- ditto.	Gatambe do.	- ditto.
St. Paul's - ditto	- ditto.	Gampola	Trustees.
All Saints - ditto	- ditto.	Pusselláwa	- ditto.
St. Thomas - ditto	- ditto.	Ramboda	- ditto.
Christ Church ditto	Church Missionary Society.	Nuwara Eliya	- ditto.
Melagraya	Bishop of Colombo.	Badulla	Bishop.
Timbirigasyaya	- ditto.	Matale	Trustees.
Galkise	Government.	Kota	Church Missionary Society.
Moroto	Trustees.	Jalangama	- ditto.
Horahidna	Bishop.		
Balapitimodara	Trustees.	CHAPELS.	
Baddajama	Church Missionary Society.	Matakole	Bishop.
Matara	Bishop.	Kotahena	- ditto.
Trincomalie	Trustees.	Kayman's Gate	- ditto.
Chundecule	Government and Church Missionary Society.	Kuruna	- ditto.
Natore	Church Missionary Society.	Dundugama	Society for the Propagation of the Gospel.
Copai	- ditto.	Kohilewata	Government.
Mannar	Government.	Kalane	- ditto.
Kalpetrie	- ditto.	Maiawela	Bishop.
Chilaw	Trustees.	Coralawela	Government.
Kurunegala	- ditto.	Kota (2)	Church Missionary Society.
Kegalla	- ditto.	Borela	Society for the Propagation of the Gospel
Ratnapena	Government.		
St. Paul's, Kandy	Trustees.	Kandy	Church Missionary Society.

Colombo, 12 November 1866.

(signed) *Piers Colombo.*

HONG KONG.

— No. 36. —

Copy of a DESPATCH from Governor Sir *Richard Graves MacDonnell*, C.B., to the Right Hon. the Earl of *Carnarvon*.

(No. 152.)

Government House, Hong Kong, 8 November 1866.

My Lord, (Received, 1 January 1867.)

In reply to your Lordship's Circular of 13th September last, relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England, I have the honour to place before your Lordship such information as it is in my power to afford, premising that I am unable to supplement that information by a reference, as instructed, to the Bishop of Victoria, no successor to Bishop Smith having yet been appointed.

With reference to the motion of the Bishop of London in the House of Lords, and respectively to the seven points embraced by it, I have to observe as follows:

(1.) The late Bishop (Smith), of Victoria, was appointed to his see in May 1849, and resigned in January 1865, receiving a conditional pension of 300 *l.* a-year from the Colony. I am only aware of one local Ordinance in which the authority of the Bishop of Victoria is recognised or referred to, No. 3, of 1850, in which certain powers are given to the Bishop in connection with the Cathedral, which were previously vested in the Colonial Chaplain under Ordinance, No. 2, of 1847:

(2.) The revenue of the Bishopric is 1,000 *l.* a-year, and derived from the Colonial Bishoprics Fund, as appears from the Parliamentary Return forming Enclosure No. 2 in your Lordship's Circular:

(3.) It is difficult to ascertain the number of clergymen subject to the Bishop of Victoria without a reference to himself, as it includes missionaries within the territories of the Emperor of China, who are quite unknown to the Government of this Colony. Of those within our knowledge, the Colonial Chaplain, the Consular Chaplains at Canton, Shanghai, and Foochow, and the local Missionary or Acting Warden of St. Paul's College, may be mentioned:

(4.) Of the above-named, the Colonial Chaplain is appointed by Her Majesty's Government, and draws his salary from the Colony; the Consular Chaplains, by the Foreign Office, draw their salaries (as I am informed) half from the Imperial Treasury, and half from local subscriptions; whilst the local Missionary is appointed and salaried by the Church Missionary Society:

(5.) The churches in this Colony under the Bishop are two in number, the Cathedral Church of St. John, and St. Stephen's Native Missionary Chapel in Victoria, West. The property of the former is vested in six trustees, of whom four are annually appointed by the Colonial Government, and two elected by the seat-holders, in terms of Ordinance, No. 2, of 1847:

The four nominated by Government are usually Government officers, and the two elected are merchants resident in this city. At present the list stands as follows:

Honourable John Dent, M.L.C.,
Wilberforce Wilson, Esq., Surveyor General,
Cecil C. Smith, Esq., Registrar General, and
Norman R. Masson, Esq., Acting Registrar of the Supreme Court,
appointed by Government;
Francis Parry, Esq., and
Robert S. Walker, Esq.,
elected by the seat-renters.

Hong Kong.

The property of St. Stephen's Mission Chapel is vested also in trustees nominated by the representatives of the Church Missionary Society. They are the Hon. W. T. Mercer, the Rev. Thomas Stringer, and Julius C. Power, Esq.

There are churches at the consular ports which I have mentioned, but I am not aware in whom the property vests, except that I believe Her Majesty's Consul at each port has some voice in its control:

(6.) There are no Colonial Charters in this Colony relating to the churches and Clergy of the United Church of England and Ireland, their appointments and stipends, or their powers of meeting in synod:

(7.) The designation assigned by Her Majesty's Letters Patent of 11th May 1849 to the Bishop of this diocese is, the "Lord Bishop of Victoria," while I am unaware of any particular designation to be applied by law to any of the clergy.

I have only to add that, as regards this diocese, I can confirm the accuracy of the Return of Colonial Bishops as laid before Parliament on 28th July 1864, and forming Enclosure, No. 2, to your Lordship's Circular Despatch under acknowledgment.

I have, &c.
(signed) *Richard Graves MacDonnell,*
Governor.

The Right Hon.
The Earl of Carnarvon,
&c. &c. &c.

3, Haddo Villas, Blackheath, S.E.,
18 January 1867.

Sir,

In compliance with Lord Carnarvon's request, as expressed in your letter of 15th instant, I have to inform you that Sir R. G. MacDonnell's letter of 8th November last, respecting the Bishopric of Victoria (Hong Kong), supplies correct information on the points adverted to.

I beg to enclose herewith a list of clergy at Hong Kong and in the Chinese cities, corrected to the present time.

The Consular Chaplaincy Churches are vested in local trustees approved by the Foreign Office.

The missionaries have their respective churches or chapels, in which services are held for the benefit of the Chinese. These buildings are vested either in the Church Missionary Society or in their local representatives.

I have, &c.
(signed) *George Smith,*
Bishop.

The Right Hon. C. B. Adderley, M.P.
&c. &c. &c.

Enclosure.

Enclosure.

List of Clergy in Diocese of Victoria (Hong Kong), January 1867.

Hong Kong.

Irwin, John James, D.D., Colonial Chaplain (on leave).
Wilson, John, Naval Chaplain and Acting Colonial Chaplain.
(Vacant) Chaplain to the Forces.
Warren, C. F., Church Missionary Society.
Piper, John - - ditto.
Lo Sam-yuen - - ditto (Native Chinese Missionary).

Canton.

Gray, J. H., M.A., British Consular Chaplain.

Amoy.

(Vacant) British Consular Chaplain.

Foochow.

Hamilton, ——, British Consular Chaplain.
Wolfe, J. C., Church Missionary Society.
Cribbe, A. - - ditto.

Ningpo.

Russell, W. A., B. A. Church Missionary Society (on leave).
Gough, F. F., M. A. - - ditto (on leave).
Moule, G. E., M.A. - - ditto.
Moule, A. E. - - - ditto.
Valentine, J. D. - - ditto.
Gretton, Henry - - - ditto.
Bates, James - - - ditto.

Shanghae.

Butcher, C. H., M.A., British Consular Chaplain.
Kaufman, Maritz, Missionary Chaplain to Seamen, Colonial and Continental Church Society.
Dzaw Tsăng-lae, Church Missionary Society (Native Chinese Missionary).

Kewkeang.

Pirkis, Daniel, British Consular Chaplain.

Hankow.

McClatchie, T., M.A., British Consular Chaplain.

Peking.

Burdon, J. S., Church Missionary Society.
Collins, W. H. - - ditto.
Atkinson, —— - - ditto.

LABUAN.

— No. 37. —

COPY of a Despatch from Acting Governor *H. Low* to the Right Honourable the Earl of *Carnarvon*.

(No. 33.)

Labuan, 19 December 1866.
(Received, 4 February 1867.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Circular Despatch to Governor Callaghan of the 13th September last, requesting certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connection with the Church of England.

In reply I have to state that the Bishop of Labuan being at present on a visit to the Island for the purpose of consecrating the Church of the "Holy Saviour," recently erected, I applied to his Lordship for information on the subject, and was supplied with the substance of the enclosed replies to the points raised in the proposed notice of motion by the Bishop of London in Parliament.

The Return enclosed in your Lordship's Despatch is correct as far as it relates to Labuan.

I forward, by desire of the Bishop, a copy of the Report of the Proceedings of the Third Diocesan Synod held by his Lordship and the Clergy of Sarawak.

I have, &c.
(signed) *Hugh Low*,
Acting Governor.

The Right Hon.
The Earl of Carnarvon,
&c. &c. &c.

LABUAN.

Enclosure.

Enclosure.

REPLIES to the Address intended to have been moved by the Bishop of London in the House of Lords.

1. DR. MACDOUGALL was consecrated Bishop of Labuan, in Calcutta, on St. Luke's Day, 18th October 1855, but there are no means of ascertaining in the Island the exact date of appointment, which was made a few months previously.

2. The income of the Bishop amounts to 660*l.*, and is derived from the interest of 9,000*l.* in the Colonial Bishoprics Fund, producing 360*l.*, and a grant of 300*l.* annually from the Society for the Propagation of the Gospel.

3. The Bishop of Labuan is also Bishop of Sarawak, in Borneo (without additional remuneration), by appointment of the Rajah, Sir James Brooke, made on the 1st January 1856, and in the Diocese of Sarawak has ten clergymen under him, Missionaries of the Society for the Propagation of the Gospel.
In Labuan the Colonial Chaplain is the only clergyman.

4. The Colonial Chaplain is appointed by the Secretary of State, and receives 350*l.* per annum from the general revenues of the Colony, which are assisted by an annual grant from Parliament.
The Colonial Chaplain is also paid 125*l.* a-year by the Labuan Coal Company, for services rendered to the Europeans in the employment of the Company at the northern end of the Island.

5. In Labuan there is one church only, that of the Holy Saviour.
In Sarawak there are four consecrated churches and two licensed chapels. The property is in every instance invested in the Bishop.

6. There is no Colonial ordinance or charter relative to this subject.

7. The only designations known here are those of "The Bishop of Labuan" and the "Colonial Chaplain." The latter is also Surrogate for this Colony.

MAURITIUS.

No. 38.

MAURITIUS.

No. 38.

[Not received.]

AUSTRALIAN.

NEW SOUTH WALES.

No. 39.

NEW SOUTH WALES.

No. 39.

COPY of a DESPATCH from Governor the Right Honourable Sir *John Young*, Bart., to the Right Honourable the Earl of *Carnarvon*.

(No. 3.)

Government House, Sydney, 15 January 1867.
(Received, 21 March 1867.)

My Lord,

I HAVE the honour to state, that in accordance with the suggestion contained in your Lordship's Circular Despatch of 13th September last, and in order to furnish accurately the information required in terms of the Bishop of London's notice of motion in the House of Lords, I applied to the three Bishops who at present superintend dioceses in this Colony in connection with the United Church of England and Ireland.

Enclosures numbered 1, 2, and 3.

2. The answers with which they have favoured me furnish the information which your Lordship desires to possess.

Enclosures numbered 4, 5, 6, and 7. (Not printed.)

3. At the Bishop of Goulburn's instance, I transmit copies of Acts of Parliament and documents in further elucidation of the statement he has drawn up.

4. It

NEW SOUTH WALES.

4. It is to be observed, that in consequence of the passing of the Act to abolish State aid, the stipend allotted to each clergyman, under Schedule C. (Public Worship), will drop at his death. The payment will not be continued to his successor, and at the death of the last of the present recipients all payments from this source by the State will be at an end.

5. Funds have been collected, and a bishopric defined, in the north of the Colony, to be termed the diocese of Grafton and Armidale, but no consecration of a Bishop for the new see has yet taken place.

6. Measures are also in progress, and several subscriptions have been received or promised, for the erection and endowment of a bishopric at Bathurst in the interior, about 120 miles due west from Sydney.

Enclosure, No. 8.

7. I enclose the printed Parliamentary Return which you sent me, with the necessary corrections. They only show that the Bishops receive less from the Colonial Treasury than the paper states, and that their endowments consist, especially in the cases of Newcastle and Goulburn, of gifts in land or money made by individual colonists, or of supplies derived from the contributions of societies, or of private liberality in England.

I have, &c.
(signed) *John Young*,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure No. 1.

Enclosure 1.

REPLIES to a Return for certain Information relating to the Bishopric of Sydney, and Ecclesiastical Establishments in the Diocese of Sydney.

1. THE Metropolitan Bishopric of Sydney, New South Wales.
The holder of this bishopric was appointed in 1854, and consecrated on the 30th of November in that year.
The authority of the Bishop of Sydney has been recognised by the Colonial Legislature in several Acts, and by the Imperial Parliament in an Act transferring the ecclesiastical superintendence of Norfolk Island from the Bishop of Australia to the Bishop of Tasmania.

2. The revenue of the Bishopric of Sydney is 2,000*l.* per annum, of which 1,500*l.* is secured to the present holder from the schedule, and 500*l.* arises from the rental of a glebe granted by the Crown originally, and since secured by Act of the Colonial Legislature, to the Bishop of Sydney and his successors for ever.

3. The number of clergymen subject to the Bishop of Sydney is seventy-four (74).

4. They are, in all cases, except two, appointment by the Bishop.
Thirty-five (35) receive 200*l.* per annum from the schedule.
The rest are supported by their respective parishes, aided, in many cases, by a voluntary association called "The Church Society for the Diocese of Sydney."

5. The number of consecrated churches is sixty-two (62).
The number of chapels or school churches is thirty-six (36).
Service is held in small weatherboard buildings (22).
The property is vested in,—

(1.) The Bishop as sole trustee:

(2.) Trustees appointed under the Church Temporalities Act:

(3.) Trustees under an ordinary trust deed.

6. The original Charter under which this Colony was founded merged in an Imperial Act.
The Act 8 Will. 4, No. 5, regulates the temporal affairs of churches and chapels of the United Church of England and Ireland in New South Wales.
An Act of the present Session (assented to 4th October 1866) enables the members of the United Church of England and Ireland to manage the property of the said church, and sanctions the constitutions agreed upon at a general conference of Bishops and clerical and lay representatives, as the rules of the United Church of England and Ireland for all purposes relating to property.

7. The Bishop of Sydney is, by several Colonial Acts, styled, "The Bishop of the Diocese" (of Sydney), "The Bishop of Sydney," "Lord Bishop of Sydney and Metropolitan," in the constitutions of the Church of England, "Bishop of Sydney and Metropolitan."

Sydney, 8th December 1866.

New South Wales.

Enclosure 2.

Enclosure No. 2.

The Bishop of Newcastle has much pleasure in forwarding to his Excellency, Sir John Young, the following answers to inquiries contained in a return for which the Bishop of London gave notice of motion in the House of Lords 13th July 1866.

1. No answer required from me.

2. Only the endowment of the bishopric, which is a sum of 20,300 *l.* at present in the hands of the Bishop, of which 6,000 *l.* was raised by contributions in England, and the remaining 14,300 *l.* was contributed in the diocese, mainly by the Bishop and his family.

3. Twenty-nine.

4. Appointed by the Bishop, not as a matter of right or patronage, but because the difficulty of providing efficient clergymen is very great, and the responsibility of this difficult duty is entrusted to the Bishop by the diocese, and undertaken by him.
The emoluments of the clergy are simply their stipend, from 200 *l.* to 300 *l.* per annum, made up of 100 *l.* to each clergyman from the equitable division of the Government Grant among all the clergy of the diocese of from 100 *l.* to 200 *l.* contributed towards their maintenance from their respective parishes.

5. Sixty-two churches or chapels, exclusive of schools, also used for Divine service. The fee simple of these churches and chapels is vested in trustees for church purposes, in either the Bishop as sole trustee, or in three or five other trustees, as determined by the donors of the site, or by the choice of the parishioners.

6. No answer required from me.

7. No answer required from me.

Morpeth, New South Wales,
21st November, 1866.

Enclosure No. 3.

Enclosure 3.

Goulburn, New South Wales,
21 December 1866.

Sir,

In reply to the inquiries made by Her Majesty's Secretary of State for the Colonies, I have the honour of communicating the following particulars relative to the Diocese of Goulburn:

Inquiry 1.—Appointment of the Bishop of Goulburn and the recognition of his authority by an Act of the Colonial Legislature.

(*a.*) The Diocese of Goulburn was constituted by Her Majesty's Letters Patent on the 14th of March 1863.

(*b.*) The first bishop, Dr. Mesac Thomas, was consecrated in Canterbury Cathedral on the 25th March 1863, by his Grace the Archbishop of Canterbury.

(*c.*) The above Letters Patent were published in the Government Gazette of the Colony of New South Wales by direction of your Excellency, with the following prefatory notice:

"Colonial Secretary's Office, Sydney, 23rd March 1864.

"Diocese of Goulburn.

"His Excellency the Governor is pleased to direct the publication of the following "Letters Patent, bearing date the 14th March 1863, whereby Her Majesty has been "pleased to alter the limits of the Diocese of Sydney, and to erect a portion of the said "diocese into a new and separate diocese, to be called the Diocese of Goulburn, and to "appoint the Right Reverend Mesac Thomas, Doctor in Divinity, to be Bishop of the "Diocese of Goulburn.

"(signed) *W. Forster*, Colonial Secretary."

(*d.*) The Legislature of New South Wales has recognised the Bishop and Diocese of Goulburn as thus appointed and created by Her Majesty's Letters Patent, by a special enactment, 30 Victoria, No. 238, published in the Supplement of the Government Gazette of New South Wales of the 7th December 1866, as having been assented to on the 6th December 1866.

Inquiry 2.—Statement of the revenues of the See of Goulburn, and the sources from which they are derived.

The

The revenues of the Bishopric of Goulburn are as follows:	£.	s.	d.
(*a.*) From land given for the endowment of the See; (1.) By the late R. Campbell, Esq., of Sydney; (2.) Joseph Bull, Esq., of Goulburn; (3.) and C. Campbell, Esq., of Sydney, and producing at present an annual income of - - - - - - The first is situate at Tarradale, about 20 miles from Goulburn, and is mainly uninclosed bush land containing upwards of 2,400 acres; the second is a farm of 100 acres at Collector, 25 miles from Collector; the third is a farm of 100, near to Queanbeyan, 60 miles from Goulburn.	190	–	–
(*b.*) From an annual charge upon the Bishopthorpe Estate, Sydney, made by the Bishop of Sydney with the consent of the Colonial Government - - - - - - - - - - - -	100	–	–
(*c.*) From the interest of money collected in the Colony, chiefly by F. R. L. Rossi, Esq., of Rossiville, near Goulburn, viz. the sum of 7,212 *l.*, and producing an annual income of - - -	489	16	–
(*d.*) From the interest of 1,000 *l.* voted by the Society for Promoting Christian Knowledge, London, invested in the Colony - -	80	–	–
(*e.*) From the interest of 1,000 *l.* voted by the Society for the Propagation of the Gospel in Foreign Parts (retained for the present by the Colonial Bishops Council, London) - - - - -	48	15	–
(*d.*) From the interest of 1,288 *l.* subscribed in England by the friends of the Bishop of Goulburn - - - - - - -	90	3	
£.	998	14	–
Deduct house rent until an Episcopal Residence can be provided - - - - - - - - - -	120	–	–
NET INCOME - - - £.	878	14	–

Besides the above, the Government of the Colony have granted 20 acres of land for the Bishop's residence, and F. R. L. Rossi, Esq., has given 153 acres of land for the same purpose. These are about two miles from Goulburn, and contiguous to each other.

Inquiry 3.—The number of clergymen subject to the Bishop of Goulburn.

There are 29 clergymen in the Diocese of Goulburn licensed by the Bishop, and two unlicensed.

Inquiry 4.—The manner of the appointment of the clergy, and the sources from which their emoluments are drawn.

Each of the 29 clergymen, mentioned above, has been appointed by the Bishop of the diocese for the time being, viz. before the formation of the diocese.

1836–1854. By the late Bishop Broughton - - -	2	
1854–1863. By the present Bishop of Sydney - - -	8	
		10
And by the present Bishop (since 1863) - - - - -		19
TOTAL - - -		29

Their emoluments are derived,—

1. From the voluntary contributions of the people:
2. From grants in aid from the Colonial Consolidated Fund:
3. From grants from friends of the Church Society of the diocese:
4. From grants made by the Colonial and Continental Church Society, London:
5. From grants made by the Society for the Propagation of the Gospel in Foreign Parts, London:
6. From the revenues of the Church and School lands in the Colony.

The receipts from the first source greatly exceed the aggregate of the other five; but great difficulties have been caused by drought, floods, cattle diseases, in the first two years of the existence of the diocese.

Inquiry 5.—The number of churches and chapels subject to the Bishop and the parties in whom the property is vested.

There are 49 churches and chapels in the Diocese of Goulburn, of which 31 are vested in the Bishop of the Diocese, and 18 in trustees appointed according to Act 8 Will. 4, No. 5.

Inquiry 6.—Extracts from any Colonial Charters relative to the churches and clergy in the diocese, their appointments and stipends, and their powers of meeting in synod.

NEW SOUTH WALES.

Not possessing any copies of Colonial Charters I am unable to give extracts, nor am I aware whether such Charters exist. There are, however, sundry Acts of Parliament passed in the Colony in relation to the United Church of England and Ireland:

(1.) 7 Will. 4, No. 3 (assented to 29th July 1836). The title of this is "An Act to promote the building of churches and chapels, and to provide for the maintenance of ministers of religion in New South Wales," and its benefits were shared by several denominations.

Church Temporalities Act.

(2.) 8 Will. 4, No. 5 (assented to 6th September 1837,) being "An Act to regulate the temporal affairs of churches and chapels of the United Church of England and Ireland in New South Wales." This Act makes provision (*a.*) for the erection of churches and parsonages; (*b.*) for the election of trustees, of whom there may be "not less than three, nor more than five." "The Bishop of Australia" (since extended by more recent Acts to the Bishops of Sydney, Newcastle, and Goulburn), "and his successors may be sole trustee and successive trustees of church, chapel, ministers' dwelling, burial-ground, or Glebe island;" (*c.*) for the annual election of three churchwardens, viz., one by the trustees present in vestry on Easter Tuesday, one by the pew-holders at the same time and place, and one by the clergyman; (*d.*) for the powers and authority of churchwardens; (*e.*) for the surrender of the church and parsonage by any clergyman whose "license has been withdrawn, cancelled, and revoked by the Bishop upon cause shown."

Synod Act.

(3.) 30 Vict. (assented to the 4th October 1866), being "An Act to enable the members of the United Church of England and Ireland in New South Wales to manage the property of the said church."

(*a.*) This Act gives binding force to certain Church "Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales," which constitutions were approved by a general conference of the bishops, clergy, and lay representatives of the three Dioceses of Sydney, Newcastle, and Goulburn, assembled in Sydney 20th April 1866.

(*b.*) The said constitutions (in number 31) make provison—

1. For holding Diocesan Synods, their powers, &c.

2. For holding a Provincial Synod of the United Church of England and Ireland within the Colony, its powers, &c.

3. For the prohibition of any alteration in the Church Liturgy or doctrines.

4. For the proper exercise of clerical discipline.

5. For the transmission of all documents to his Grace the Archbishop of Canterbury.

(*c.*) The above Act further provides—

1. That the articles of the above Constitution shall be the rules of the United Church of England and Ireland in the Colony for all purposes relating to property.

2. That no rule shall contravene existing law.

3. That the Constitution shall be recorded in the Supreme Court of the Colony.

Bishopric of Goulburn Lands Investment Act.

(4.) 30 Vict. (assented to 6th December 1866) recites the Letters Patent of the Bishop of Goulburn, 14th March 1863), and enacts that "all lands within the Diocese of Goulburn, the limits of which are set forth and described from the Letters Patent, heretofore vested in the Bishop of Sydney, are hereby transferred to the Bishop of Goulburn and his successors (clause 1); and also, that in all Acts or Statutes now in force in the Colony in which the Bishop of Australia is particularly mentioned, the Bishop of Australia shall, in all matters connected with the Diocese of Goulburn, be taken to mean the Bishop of Goulburn, who shall have the same powers, rights, and privileges as if such Bishop were expressly mentioned in such Acts."

Inquiry 7. Designations assigned by law to the Bishop and Clergy of the Diocese.

The above Act, 30 Vict. (6th December 1866) recites the title conferred by Her Majesty's Letters Patent (of 14th March 1863) upon the Bishop of Goulburn; thus:

"Whereas Her Majesty did by the said Letters Patent name and appoint Mesac Thomas, Doctor in Divinity, to be ordained and consecrated Bishop of the said See of Goulburn, and did will and grant by the said Letters Patent that the Bishop of Goulburn should be a Body Corporate, and did make and ordain and constitute him to be a perpetual corporation, and to have perpetual succession, and that he and his successors should be for ever thereafter called or known by the name or title of the 'Lord Bishop of Goulburn;' and whereas certain lands," &c.

The Act 7 Will. 4, No. 5, designates "the clergymen licensed to officiate," &c.

Some of general conclusions, which I would draw from the facts of this particular case, appear to be the following:

1. That it is most desirable to preserve the closest union in doctrine, formularies, and discipline between the various branches of the Colonial Church and the United Church of England and Ireland, and to consider them as much as possible as integral portions of the said church.

2. That for this purpose it would seem to be very important for the Crown to retain the practice of appointing Colonial Bishops, and of issuing Letters Patent as heretofore.

3. That

3. That such Letters Patent would be perfectly safe and correct if, as in the case of the Letters Patent of the Bishop of Goulburn, a clause were introduced to the following effect:—

"And We grant and declare that the said Bishop and his successors . . . . . "shall and may without let or hindrance from Us, Our heirs and successors, exercise the "jurisdiction and other powers hereinafter specified (so far as the same can be exercised "consistently with such law or laws as may for the time being be in force in our Colony "of), that is to say," &c. &c. Jurisdiction in England is conferred by the several laws, and these are enforced by him, who has by Letters Patent been specially appointed and nominated to his See. In New South Wales jurisdiction has been conferred precisely in the same manner: We, the Bishops appointed by the Crown and by Letters Patent, can exercise the jurisdiction which our Colonial laws define, and only that jurisdiction. The parallel with England is as complete as circumstances allow.

4. That Colonial Bishops should continue to receive their mission from the See of Canterbury, and to take the oath of canonical obedience to the Archbishop.

5. That the right of appeal to Her Majesty in Council should lie from the decisions of Bishops and Metropolitans and of Diocesan and Provincial Synods in the British Colonies.

6. That the status of Colonial Bishops and clergy should be maintained as members of the United Church of England and Ireland, and should not be interrupted or injured by disabilities of a needless kind, imposed by imperial legislation.

7. That imperial legislation is manifestly not required for the regulation of the affairs of the Church in the Colony of New South Wales.

8. That such legislation would, in fact, be altogether inoperative in this Colony, and would only have the effect of placing the Bishops and clergy of our Colonial Church in an unfair and unfavourable position in their relation to and connection with the Church at home, in case of their return at any time to the mother country.

I submit these facts and suggestions to the grave consideration of Her Majesty's Secretary of State for the Colonies, and have the honour to remain, &c.

To his Excellency Sir John Young, Bart.,
Governor in Chief, &c. &c.

(signed) *M. Goulburn.*

Enclosures 4, 5, 6, and 7, not printed.

Enclosure 8.

Corrections made in the Parliamentary Return.

Name of Bishop.	Diocese.	Salary.	From what Source derived.
Frederic Barker -	Sydney, New South Wales.	2,000*l.* a year	1,500*l* from the Public Worship Fund granted in Schedule C. of the Constitution Act, 18 & 19 Vict. c. 54, and 500*l.* from Glebe Lands secured by Act of the Colonial Legislature to the Bishop and his successors for ever.
William Tyrrell -	Newcastle, New South Wales.	Amount not stated, probably 1,500*l.* a year.	Interest on 20,300*l.*, of which 6,000*l.* was raised by contributions in England, and 14,300*l.* in the diocese.
Mesac, Thomas - -	Goulburn, New South Wales.	878*l.* a year -	Interest on money raised by contributions in England and in the Colonies, and rent of land given for the endowment of the See.

VICTORIA.

No. 40.

VICTORIA.

No. 40.

Copy of a DESPATCH from Governor the Honourable Sir *J. H. T. Manners Sutton*, K.C.B., to the Right Honourable the Earl of *Carnarvon*.

(No. 45.)

Government Offices, Melbourne,
27 December 1866.

My Lord, (Received, 12 February 1867.)

On receiving your Lordship's Despatch Circular of the 13th September 1866, I requested the Bishop of Melbourne to enable me to submit to your Lordship the information required by that Despatch, and I have now the honour to transmit to your Lordship a Memorandum, signed by the Bishop of Melbourne, which is in fact a "Return" in strict accordance with the terms of the notice given by the Bishop of London.

No. 1.

To this return are attached other documents, viz.:—Copies of the Colonial Statutes relating to the Church of England in this Colony, and a Statistical Pamphlet. For the purpose of reference I have only to add, with respect to the last paragraph of your Lordship's Despatch, that the Return (enclosed in that Despatch) setting forth the amount of the salary of the Bishop of Melbourne, and the sources from which it is derived, is correct.

No. 2.

No. 3.

But perhaps the Return would be more explicit if it stood thus:

Name of Bishop.	Diocese.	Salary.	From what Source derived.
Charles Perry - -	Melbourne, Victoria	£. s. d. 1,000 – –	Part of grant from Colonial Treasury, under the Constitution Act, in aid of Public Worship.
		333 6 8	Rent of property purchased by money granted by the Council of the Colonial Bishoprics Fund.

I have, &c.
(signed) *J. H. T. Manners Sutton.*

The Right Hon.
The Earl of Carnarvon,
&c. &c.

Enclosure.

Enclosure.

Diocese of Melbourne.

1. The present Bishop, the first holder of the Bishopric, was consecrated on the 29th June 1847.

His title and authority have been recognised by several Acts of the Legislature, both of New South Wales, before the constitution of the Colony of Victoria, and of the latter Colony since its constitution.

2. The present income of the Bishop is 1,333*l.* 6*s.* 8*d.*, of which he receives 1,000*l.* from the money allotted to the Church of England out of the public revenue, under the Colonial Act, 19 Vict., commonly called the Constitution Act, assented to by Her Majesty in Council under the authority of the Act of the Imperial Parliament, 18 & 19 Vict. c. 55, s. 1, and 333*l.* 6*s.* 8*d.* from rent of property purchased by money which he was authorised to invest for the endowment of the see by the Council of the Colonial Bishoprics Fund. An effort is now making to raise by voluntary contributions a sum sufficient to endow the Bishopric with 1,500*l.*, and so to render its future holders independent of what is called "State aid."

3. One hundred and twelve.

4. The

4. The clergymen are appointed to vacant cures in accordance with the provisions of an Act (No. 3, Session 1858) of the Assembly of Clergy and Lay Representatives of the Diocese, a legislative body constituted under the Act of the Colonial Legislature, 18 Vict., No. 45.

N.B.—A book containing this Act, together with the Acts of the Church Assembly is sent herewith.

The incomes of the clergy are derived from local sources, pew-rents, offertory and other collections and subscriptions, supplemented in most instances by payments of varying amounts out of the money allotted to the Church of England out of the public revenue under the "Constitution Act" before referred to. In special cases grants are made from the sum (600*l.*) placed at the disposal of the Bishop by the Society for the Propagation of the Gospel.

N.B.—A pamphlet containing full information concerning the financial arrangements for 1865 is sent herewith.

5. One hundred and thirty-six. The property in each particular church, &c. is vested in trustees for the benefit of the United Church of England and Ireland.

6. There are no Colonial "Charters" relating to the diocese of Melbourne, but there is an Act of the Colonial Legislature contained in the book sent herewith (*see* answer to 4) intituled "An Act to enable the Bishop, Clergy, and Laity of the United Church of "England and Ireland in Victoria to provide for the Regulation of the Affairs of the said "Church," which authorises "any Bishop of the United Church of England and Ireland "in Victoria to convene an assembly of the licensed Clergy and the Laity of such Church "in his Diocese," and investing that assembly with certain legislative powers. There are also other Acts which relate to the United Church of England and Ireland in Victoria, and distinctly recognise the Bishop of Melbourne. The following is an extract from the Colonial Act, 25 Vict., No. 157:—Section 3 provides "that all lands belonging to the United "Church of England and Ireland in Victoria, which shall, prior to the establishment of "Victoria as a separate Colony from New South Wales, have been granted or conveyed to "the Bishop of Australia and his successors, shall, from the time of the passing of this "Act, vest in the Bishop of Melbourne and his successors, in trust for the United Church "of England and Ireland in Victoria, to all intents and purposes as if the words Bishop of "Melbourne had been used in the deed of grant or conveyance thereof, instead of the words "Bishop of Australia, wheresoever they may occur; and that such deed of grant or con-"veyance had been executed subsequently to the establishment of the Colony of Victoria."

7. The designation of the Bishop, as appears from the above-quoted Acts, is "The "Bishop of Melbourne," and that of the clergy is "The Clergy of the United Church of "England and Ireland in Victoria."

The above answers contain all the information properly included in the Return which the Bishop of London gave notice that he would move for, but the Registrar of the Diocese has drawn up a statement concerning the history and position of this Bishopric, which, as it may throw further light upon the subject, I beg leave to append hereto.

(signed) *C. Melbourne.*

Bishopscourt, 22 December 1866.

REMARKS on the Particulars herewith furnished as a Return from the Diocese of Melbourne of the Particulars intended to be asked for in the House of Lords by the Bishop of London in June 1866, with reference to Colonial Bishoprics.

THE Letters Patent of the Bishop of Melbourne recite, that his Majesty William IV. did, by Letters Patent, dated the 18th of January 1836, constitute all the territories and islands within the Colonies of New South Wales, Van Dieman's Land, and Western Australia to be a Bishop's See, to be styled the Bishopric of Australia; that William Grant Broughton was appointed to the Bishopric; that by virtue of a power reserved to separate portions of the territory included in the Bishopric, the Island of Van Dieman's Land had been separated and constituted as the Diocese of Tasmania; that on the representation of the Archbishop of Canterbury, of the inconvenience and detriment arising from the great extent of the Diocese of Australia, notwithstanding such severance, as well to the Bishop of the See as the members of the United Church of England and Ireland residing within the same, he desired, with the concurrence of the Bishop of Australia, that the same should be divided into four distinct dioceses, viz.: the Bishopric of Sydney, of Newcastle, of Adelaide, and of Melbourne; the Bishop of the last three named Sees, and of Tasmania, of New Zealand, and their successors, being subject to the Bishop of Sydney and his successors, in the same manner as any Bishop of any See within the Province of Canterbury is under the authority of the Archbishop thereof; and that, therefore, the premises having been taken into consideration, the concurrence therein of the Bishop of Australia having been certified, and in the persuasion that by complying with the desire of the Archbishop, the well-being of the United Church of England and Ireland within the said Colonies and settlements

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settlements would be greatly advanced, Her Majesty had resolved to comply with the same, and therefore, revoking the Patent of the 25th June 1836, did, by these Letters Patent, constitute that part of the Colony of New South Wales, called by the name of the Port Philip District, a Bishop's See or Diocese, to be called the Diocese of Melbourne; saving unto Her Majesty the right, upon the See becoming vacant, of altering the limits of the Diocese, with the consent of the Archbishop of Canterbury, or otherwise with the consent of the Archbishop of Canterbury and of the Bishop of the See.

When the Bishopric of Melbourne was founded, its territory formed part of the Colony of New South Wales, and was subject to the Legislature of that Colony. In the year 1837 such Legislature passed an Act (8 Will. 4, No. 5 of Acts of the Legislature of New South Wales) "to regulate the temporal affairs of churches and chapels of the United "Church of England and Ireland in New South Wales." In this Act "The Bishop of "Australia" is expressly mentioned in several of its clauses, and his authority recognised in the fullest manner, more particularly in the 19th clause, which declares that no person shall be permitted to officiate in any church or chapel consecrated to the use of the United Church of England and Ireland within the Colony until he be licensed by "the Archbishop "of the Province, or the Bishop of the Diocese."

After the founding of the Bishopric no further legislation took place with reference to the Church of England until the separation of Port Philip from New South Wales, and its formation into the Colony of Victoria. By the 25th clause of the Imperial Act, which effected these changes, 13 & 14 Vict. c. 59, it was enacted that all the laws of New South Wales should, until repealed or altered, be in force in the Colony of Victoria.

The authority of the Bishop has been recognised by two Acts of the Legislature of Victoria:—

I. Act 18 Vict. No. 45 (reserved for the assent of Her Majesty, which was given on the 25th of February 1856, and proclaimed in the Colony 3rd June 1856), intituled "An Act "to enable the Bishops, Clergy, and Laity of the United Church of England and Ireland "in Victoria to provide for the Regulation of the Affairs of the said Church."

II. Act 25 Vict. No. 157, intituled "An Act to repeal an Act to regulate the Temporal "Affairs of Churches and Chapels of the United Church of England and Ireland in New "South Wales," and to make other provisions instead thereof.

(signed) *Thos. T. A'. Beckett*,
22 December 1866. Registrar of the Diocese of Melbourne.

QUEENSLAND.

QUEENSLAND.

No. 41.

No. 41.

COPY of a DESPATCH from Governor Sir *G. F. Bowen*, G.C.M.G., to the Right Honourable the Earl of *Carnarvon*.

(No. 70.)

Government House, Brisbane, Queensland,
18 December 1866.

My Lord, (Received, 18 February 1867.)

I HAVE the honour to state that I received by the English mail of last month your Lordship's Circular Despatch of the 13th September ultimo, with its Enclosures; and that I lost no time in collecting the information required respecting "the Bishoprics and Ecclesiastical Establishments in connection with the Church "of England" in this Colony.

2. In the absence of the Bishop of Brisbane (Dr. Tufnell), who has been in England for some time past, I requested the assistance of the Archdeacon of Brisbane (the Very Reverend B. Glennie), who is acting as the Bishop's Commissary. I enclose a Memorandum which I have received from the Archdeacon, giving such information as he is able to afford; and also a Memorandum which has been furnished to me by Mr. Buckley, the Auditor General of this Colony, who is the Honorary Secretary of the Bishopric Endowment Fund. I am now enabled to supply the following information with regard to the seven heads of inquiry transmitted:

Enclosure, No. 1.
Enclosure, No. 2.

(1.) Two Anglican Bishops exercise ecclesiastical jurisdiction within the limits of Queensland. The Bishopric of Brisbane was created by the Letters Patent of 6th June 1859, which appointed Dr. Tufnell, of Wadham College, Oxford, to be the first Bishop of the new See. As will be seen from

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from the opinion of the law officers of the Crown (Sir Roundell Palmer and Sir R. P. Collier), forwarded in Mr. Cardwell's Despatch, No. 15, of 9th February 1865, the Diocese of Brisbane comprises the southern moiety of this Colony, while the northern moiety, that is, the districts north of the 21st parallel of south latitude, still remain under the jurisdiction of the Metropolitan Bishop of Sydney (Dr. Barker). The Queensland Legislature has not as yet passed any Act specially relating to the Church of England in this community; but certain Acts of that nature passed by the Legislature of New South Wales before the erection of this new Colony in 1859 are still in force here. On this point I beg permission to refer to "Pring's Statutes of Queensland."

(2.) A statement of the revenue of the Metropolitan Bishop of Sydney will doubtless be transmitted by the Governor of New South Wales. The Metropolitan receives nothing for his supervision of the Anglican Communion in the northern moiety of Queensland. It will be seen from the Memorandum furnished to me by Mr. Buckley that "the principal sum for the "endowment of the Bishopric of Brisbane, the interest whereof forms the "Bishop's income, may be described as consisting of about ten thousand "pounds (10,000 *l.*), (of which a sum of six thousand pounds (6,000 *l.*) "was contributed by the Colonial Bishoprics Fund), all invested in the "Colony." Mr. Buckley further states that this money has been invested in mortgages on real estate, and at rates varying from 10 to 8 per cent.; so that the official income of the Bishop must be at present about nine hundred pounds (900 *l.*) per annum. It will doubtless be augmented as this community grows more populous and wealthy. Enclosure, No. 2.

(3.) It will be seen that Archdeacon Glennie reports that there are now eighteen (18) clergymen subject to the Bishop of Brisbane. The Metropolitan Bishop of Sydney has informed me that in the part of Queensland still under his ecclesiastical jurisdiction there is as yet but one clergyman. Colonisation has extended over Northern Queensland only during the last four years; and as yet the white population north of the 21st parallel of south latitude probably does not exceed five thousand (5,000) in all, of which number about two thousand (2,000) persons, dispersed over an area as great as that of France, may be members of the Church of England.

(4.) The single clergyman now in Northern Queensland was appointed by the Bishop of Sydney to officiate at the town of Bowen in Port Denison, and is paid by the voluntary contributions of the members of the Anglican Communion resident there. The eighteen (18) clergymen in that portion of Queensland which is comprised within the Diocese of Brisbane were appointed to their several cures by the Bishop of Brisbane. Two of these clergymen (Archdeacon Glennie and the Reverend John Mosely) receive 100 *l.* per annum each from the Colonial Treasury, this payment having being received by them before the separation of Queensland from New South Wales, and having been secured by the Act of the Colonial Parliament* (24 Vict., No. 3), entitled "An Act to discontinue grants from the "Revenue in aid of Religion," which provided "that all ministers of reli- "gion who at the time of the passing of the Act are in receipt of stipends "paid by the Government shall, as long as they shall reside and officiate "within the Colony of Queensland, be entitled to continue in receipt of "such stipends." With the two above-mentioned exceptions, all other emoluments received by the clergymen in the Diocese of Brisbane are drawn from the voluntary contributions of their parishioners.

(5.) There is as yet only one Anglican church in that portion of Northern Queensland which still forms part of the Diocese of Sydney, and it is intended to vest the property of that church in local trustees. Archdeacon Glennie reports that in the Diocese of Brisbane there are at present sixteen (16) churches and schoolhouses used as churches. The property of some of these

* *See* Statutes of Queensland, Vol. II., p. 1560.

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these buildings is vested in local trustees, of others in the Bishop of the Diocese.

(6.) It has been already stated above that the Queensland Legislature has not as yet passed any special Act, nor has it authorised the issue of any "Colonial Charters relating to the churches and clergy of the United "Church of England and Ireland in this Colony, their appointments and "stipends, and their powers of meeting in synod." The great majority of the members of the Church of England in this community are convinced of the necessity of the speedy establishment of a system of church government and of synodical action, like those already in operation in several of the Australian dioceses.

(7.) It does not appear that any "designations are assigned by law to the "Colonial Bishops and Clergy" in Queensland. With regard to this point, however, I have been requested to draw the attention of your Lordship to what seems to be an anomaly, if it be not an accident. In his Letters Patent Dr. Tufnell is styled the "*Lord* Bishop of Brisbane;" whereas no such title has been granted to the Metropolitan Bishop of Sydney, of whom the Bishop of Brisbane is a suffragan. And here I may be permitted to hazard the remark, that so far as my observation has hitherto extended, most members of the Church of England in Australia are inclined to question the policy of conferring "lordly titles" on the Bishops in these Colonies, and to agree on this point at least with the views advocated in the able article on the Colonial Episcopate (attributed to Mr. Herman Merivale), which appeared in the "Edinburgh Review," No. 242 (published in October 1863).

3. In the concluding paragraph of your Lordship's Circular Despatch now under acknowledgment, my attention is directed to a Return which has been laid before the Imperial Parliament, showing, as accurately as it has been possible to prepare it, the number of Colonial Bishops, with their salaries, and the sources whence those salaries are derived; and I am requested to confirm its accuracy, or, if necessary, to correct it so far as regards my Government. With regard to this subject, I would report that the Bishop of Brisbane receives nothing "from the Colonial Treasury;" which words should, therefore, be expunged from the above-mentioned Parliamentary Return. As will be perceived from what has been already stated, the salary of the Bishop should be described as "the interest on about 10,000*l.* (of which a sum of 6,000*l.* was contributed by the Colonial Bishoprics Fund), all invested in the Colony."

4. I trust that I shall be allowed to take advantage of this opportunity to solicit attention to the unsatisfactory character of the arrangement, now that English settlement is fast spreading over Northern Queensland, by which that vast territory, larger than the French empire, still remains under the ecclesiastical jurisdiction of the Bishop of Sydney, though the Diocese of Sydney is separated from it by thirteen parallels of latitude, and by the great intervening dioceses of Newcastle and Brisbane. The Metropolitan (Dr. Barker) entirely agrees with me on this subject, and has lately written, that he "most cordially "unites with me in the expression of a hope that the northern portion of "Queensland may be placed under the care of a Bishop of a true missionary "spirit."

5. It will be recollected that the districts referred to contain a rapidly-increasing white population, already numbering at least five thousand (5,000) souls, and an aboriginal population estimated at about fifteen thousand (15,000) souls. In my Despatch, No. 61, of 12th November ultimo, and on many previous occasions, I have ventured to request, through the Secretary of State, the attention of the great Missionary Societies of England to the claims of these heathen subjects of the British Crown, *for whom nothing has hitherto been done.* In my Despatch, No. 44, of 3rd September 1864, I transmitted the following resolution, which was moved by the Colonial Secretary at my instance, and which was adopted by both Houses of the Colonial Parliament, not only without a dissentient voice, but with speeches of approval and sympathy from members of various political opinions and of various religious creeds: "That the Government be "authorised to grant land to persons who may be prepared to undertake the "amelioration

"amelioration of the aborigines by the establishment of missions and industrial "schools." Again, at the annual meetings for 1864 of several of the Missionary Societies in London, resolutions were adopted to the effect that "the Church of "England is specially bound to labour for the conversion of the heathen subjects "of the British Crown." Now it will be seen, from what has been already stated, that grants of land from the Colonial Government, and (probably) local subscriptions, would hereafter assist efforts judiciously set on foot for the conversion and education of the "heathen subjects of the British Crown" in North-eastern Australia; but I would repeat, and I submit that it cannot be too often repeated, that the first step must, for obvious reasons, be taken by those societies which possess trained men, and the machinery and experience indispensable for a work of this nature.

6. The practical suggestion which I beg respectfully to lay before your Lordship is this: If the trustees of the Colonial Bishoprics Fund, and the committees of the principal Missionary Societies, should have means available for this purpose, and should consent so to apply them, it would appear to be advisable to create a new diocese co-extensive with that northern moiety of Queensland which is now under the ecclesiastical jurisdiction of the Bishop of Sydney. The new Bishop should be a man of mental and bodily vigour, and in the phrase used by the Metropolitan (as cited above), "of a true missionary spirit," like Bishops Selwyn and Patteson. In a word, while not neglecting the comparatively few members of the Church of England within his diocese, the proposed new Bishop should devote himself more especially to the numerous aborigines of North-eastern Australia, commencing amongst them the work which is now being carried on by Bishop Patteson in the neighbouring Melanesian Islands.

7. The success of the scheme thus shadowed forth would of course depend, humanly speaking, on the character of the first Bishop, and of his missionary clergy and industrial schoolmasters. I may mention that, judging from the arrangements and expenditure of the Melanesian Mission, an annual sum of between 2,000 *l.* and 3,000 *l.* would be sufficient for the maintenance of a Bishop and of an effective missionary staff in Northern Queensland.

8. I feel that I need offer no apology for recurring to this subject.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(signed) *G. F. Bowen.*

P. S. Since the above Despatch was written I have observed, in a work of high authority, written by Mr. Swainson, for more than 15 years Attorney General of New Zealand ("New Zealand and its Colonisation;" London, 1859, page 385), that the Church Missionary Society alone, in the course of the 30 years immediately preceding 1859, "can hardly have expended less than a "quarter of a million sterling in maintaining their missionary establishments in "New Zealand." It appears, therefore, that one Missionary Society spends above 8,000 *l.* annually in the last-mentioned Colony, without reckoning the large sums spent there by other societies and by private munificence. It follows, consequently, that if the several Missionary Societies were to combine to expend in Northern Queensland even one-third of the sum actually expended by one society alone in New Zealand, an effective missionary staff might be maintained for the conversion and education of the aborigines, with the aid of grants of land (for sites of churches, schools, industrial farms, &c.), from the Colonial Legislature. Such a course would at all events wipe away the reproach that the British nation has hitherto done absolutely nothing for the "heathen subjects "of the British Crown" in Northern Australia.

G. F. B.

QUEENSLAND.

Enclosure 1.

Enclosure 1.

Ecclesiastical establishment in connection with the Church of England in the Diocese of Brisbane in the Colony of Queensland.

(3.) Clergymen in the diocese licensed with cure of souls - - -	15
Clergymen licensed but without the cure of souls - - - -	3
TOTAL number of clergymen subject to the Bishop - - -	18

(4.) The clergymen are appointed to their several cures by the Bishop. Two clergymen receive 100 *l.* each per annum from the Colonial Treasury. All other emoluments are drawn from the voluntary contributions of their parishioners.

(5.) Consecrated church - - - - - - - - - -	1
„ mortuary chapel - - - - - - - -	1
Church completed but not consecrated - - - - - -	1
Temporary churches and school-houses used as churches - -	13
TOTAL number of buildings used as churches - - - -	16

The property of some churches is vested in trustees, of others in the Bishop of the diocese, in trust for the Church of England.

Warwick, Queensland,
4 December 1866.

(signed) *Benjamin Glennie,*
Archdeacon of Brisbane, and Commissary of the Lord Bishop of Brisbane.

Enclosure 2.

Enclosure 2.

MEMORANDUM.

Principal sum for the endowment of the Bishopric of Brisbane, the interest whereof forms the Bishop's income:—

	£.	*s.*	*d.*
1. Grant from Colonial Bishoprics Fund - - -	5,000	–	–
2. Further grant from - ditto - - - -	1,000	–	–
3. Amount collected by the Bishop in England before 1860 - - - - - - - - -	1,523	–	–
4. Amount collected in Queensland - - - -	2,211	2	–
TOTAL - - - £.	9,734	2	–

The Bishop has, it is believed, collected further sums in England, where he has been for the last two years. And as Queensland grows more populous and wealthy, further sums will doubtless be collected in this Colony; but at present the endowment of the Bishopric of Brisbane may be described as consisting "of about 10,000 *l.* (of which a sum "of 6,000 *l.* was contributed by the Colonial Bishoprics Fund), all invested in the Colony." The money has been invested in mortgages on real estate, and at rates varying from 10 to 8 per cent. The official income of the Bishop must be therefore about 900 *l.* per annum.

Brisbane, Queensland,
12 December 1866.

(signed) *Henry Buckley,*
Auditor General of Queensland, and Honorary Secretary to the Endowment Fund of the Bishopric of Brisbane.

TASMANIA.

No. 42.

No. 42.

Copy of a DESPATCH from Governor *T. Gore Browne*, C.B., to the Right Honourable the Earl of *Carnarvon*.

(No. 30.)

Government House, Hobarton, Tasmania,
14 December 1866.

My Lord, (Received 18th February 1867.)

With reference to your Lordship's Circular Despatch of 13th September 1866, requiring certain information relative to Colonial Bishoprics, I have the honour to forward a paper prepared by the Bishop of Tasmania, giving replies to the several questions contained in the Enclosure to the Despatch. Bishop of Tasmania, 23d Nov. 1861.

The Act of the Tasmanian Parliament referred to by the Bishop is No. 20 of 22nd Victoria.

I have, &c.
(signed) *T. Gore Browne.*

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Sir, Mayfield, 23 November 1866. Enclosure.

I beg, in reply to your Excellency's letter of the 16th instant, to enclose the statement required by the Secretary of State, and given by me in the order of the Bishop of London's notice of motion.

I have, &c.
(signed) *C. H. Tasmania.*

His Excellency Colonel Gore Browne, C.B.,
&c. &c. &c.

---

1. Tasmania, Charles Henry Bromley, D.D., appointed in 1864. The authority of the Bishop is recognised by Acts of the Tasmanian Legislature.

2. Seven hundred pounds per annum, being the amount fixed by the synod, and paid out of that portion of the reserve for public worship which is assigned by law to the synod; also, the profits of a glebe granted by the Crown, and of an estate purchased with a sum of 5,000 *l.* given by the Trustees of the Colonial Bishoprics Fund.

3. Fifty.

4. Some have been appointed by the Crown, others by persons exercising patronage, according to certain regulations of the synod, with the concurrent authority of the Bishop in every case.

5. There are 95 churches or chapels. The property of some is vested in trustees, appointed under an Act of the Legislature; that of others variously.

6. The affairs of the Church are managed by a synod, consisting of the Bishop, the rest of the Clergy, and chosen representatives of the Laity. An Act of the Parliament of Tasmania gives the force of law to the acts and resolutions of the synod, making them binding on the Bishop, Clergy, and Lay Members of the Church, within certain limitations. It also empowers the synod to establish tribunals, with jurisdiction over clergymen and officers of the Church.

7. The Bishop is designated in Acts of the Tasmanian Legislature as "the Bishop," "the Lord Bishop," "the Bishop of the United Church of England and Ireland in Tasmania." In the Queen's Letters Patent he is styled "Lord Bishop of Tasmania."

The clergy are designated as "Chaplains," "Ministers," or "Incumbents," of the several churches in which they officiate.

The above supplied by me this 23rd November 1866.

I have, &c.
(signed) *C. H. Tasmania.*

Hobart Town.

South Australia.

No. 43.

SOUTH AUSTRALIA.

No. 43.

Copy of a DESPATCH from Governor Sir *D. Daly* to the Right Honourable the Earl of *Carnarvon*.

(No. 54.)

Government House, Adelaide,
23 November 1866.

My Lord, (Received 11th January 1867.)

I have the honour to acknowledge your Lordship's "Circular" Despatch of the 13th September, calling for certain information relating to Colonial Bishoprics and Ecclesiastical Establishments in connexion with the Church of England, as set forth in a notice prepared by the Lord Bishop of London, in so far as the same relates to this Colony.

2. In compliance with your Lordship's desire, I have the honour to supply all the information that I have been able to procure, and in doing so I follow the order in which each point is set forth in the notice.

No. 1. The Bishopric of Adelaide is not recognized by any Act of the Imperial Parliament or the Colonial Legislature.

The present Bishop of Adelaide was consecrated on the festival of St. Peter, 1847.

No. 2. With respect to the Revenues of the Bishopric, as given in the Parliamentary Return of 5th June 1865, I can procure no information. I am informed that the subject has never been brought before the synod.

The funds for the endowment of the Bishopric are in the hands of the Trustees of the Colonial Bishoprics Fund, and are managed by them. They are said to consist principally of a liberal sum contributed by Miss Burdett Coutts for that object.

No. 3. There are 35 clergymen holding the license of the Bishop.

No. 4. The clergy are appointed in various ways, according to the trust deeds. In some cases they are appointed by the Bishop, but generally by a committee of the congregation specially appointed for that purpose.

The emoluments are drawn from pew-rents, local contributions, and small endowments. Local funds of the smaller parishes are supplemented by funds at the disposal of the synod.

No. 5. There are 56 churches and chapels in the diocese; some are vested in the Bishop; the greater number in local trustees.

No. 6. The synod of the Diocese of Adelaide has not been recognized by the Colonial Legislature.

A Bill for that purpose was, at the suggestion of the Duke of Newcastle, then Secretary of State for the Colonies, drawn up and introduced into the Legislative Council of this Province in 1862, but it failed to obtain the approval of the Select Committee to which it was referred.

The synod, as it now exists, is a consensual compact between the present Bishop, the Clergy, and the Laity of the Church of England.

No. 7. The designation of the Bishop is derived from the Queen's Letters Patent, in which he is designated Bishop of Adelaide. By the same letters he is authorized to appoint Deans, Archdeacons, and other dignitaries, &c.

3. The Bishop of Adelaide is at present absent in England, but I was readily supplied by his Lordship's commissary, the Dean, and other clergymen of the Church of England, with all the information they could give.

4. With reference to the Return which was laid before Parliament, your Lordship will perceive, from my reply No. 2, that I am unable to say whether it is accurate or not, as regards this Government, the subject of the endowment of the Bishopric never having been brought before the synod.

5. The

5. The accompanying copy of the "Fundamental provisions for the Government of the United Church of England and Ireland within the Diocese of Adelaide," and copies of "Reports of the proceedings of the Adelaide Diocese Synod during the Sessions of 1860, 1861, and 1862," I have the honour of transmitting to your Lordship, as affording more detailed information than is otherwise attainable, regarding the position of the Church of England in this Colony, which owes much to the energy, zeal, and many amiable qualities of the present Bishop, who is regarded with well merited respect and esteem by all classes of this community.

I have, &c.
(signed) *D. Daly*,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Enclosure.

Enclosure.

64, St. George's-road, Pimlico,
18 January 1866.

My Lord,

In accordance with the instruction contained in your Lordship's Circular to Sir Dominick Daly, Governor of South Australia, dated Downing-street, 13th September 1866, I have the honour to submit the following information with reference to the Diocese of Adelaide, in answer to the questions forwarded with that Circular.

1. The Diocese of Adelaide was established by Letters Patent, bearing date at Westminster, June 1847.

At that time the Colony of South Australia was administered by a Lieutenant Governor and a Legislative Council nominated by the Crown through the Governor. On the Bishop's arrival in the Colony on the 28th December 1847, his Letters Patent were published officially by order of the Governor in the Government Gazette, bearing date 6th January 1848, Alfred Mundy, Esq., being Colonial Secretary.

The authority and title of the "Lord Bishop of Adelaide" was subsequently recognized by an Ordinance, incorporating the Governors of the Collegiate School of St. Peter's, Adelaide, in which it is provided that "the Lord Bishop of Adelaide for the time being" shall be *ex-officio* President of the Council of Governors.

2. The revenues of the Bishopric are derived from investments in land and mortgages, made from funds placed at the disposal of the Committee of Bishops and others appointed for the endowment of Colonial Sees.

3. The number of licensed clergy in the Diocese of Adelaide at the beginning of 1866 was 38.

4. The clergy are sent out mostly from England by the Bishop or his Commissaries. The first missionary clergy were despatched by the Society for the Propagation of the Gospel.

They are nominated to their cures mostly by the trustees of the different churches, or by persons specially appointed to select a minister.

Their stipends are derived from sitting rents, fees, offertory endowments, or church funds.

5. In 1847, when the Bishop was appointed, the churches were 5 in all; in 1866 they were 60. The clergy also were, in 1847, 5; in 1866, 38. The churches are vested in trustees; some in the Lord Bishop of Adelaide sole, or with co-trustees.

6. The right to meet in synod is not derived from Imperial or Colonial enactment, but claimed in accordance with apostolical custom, c. xv. Acts of App. Unestablished by law in the Colony of South Australia, the Church of England is in the position of a voluntary association, and as such holds such synods or assemblies to promote its own interests.

7. The title given in the Letters Patent, viz., Lord Bishop of Adelaide, has been recognized as legal in South Australia, in the manner stated in answer No. 1.

I have, &c.
(signed) *Augustus Adelaide.*

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

Western Australia.

No. 44.

WESTERN AUSTRALIA.

No. 44.

Copy of a DESPATCH from Governor *Hampton* to the Right Honourable the Earl of *Carnarvon*.

(No. 212.)

Government House, Perth, 18 December 1866.

My Lord, (Received 18th February 1867.)

I have the honour to acknowledge the receipt of your Circular Despatch of the 13th September last, and to transmit a Memorandum from the Colonial Secretary, containing the information required respecting the Bishopric and ecclesiastical establishment in this Colony.

I have, &c.

The Right Hon. the Earl of Carnarvon, &c. &c. &c.

(signed) *J. S. Hampton,* Governor.

Enclosure.

Enclosure.

Replies.

1. Letters Patent from Her Majesty the Queen, appointing Dr. Mathew Blagden Hale Lord Bishop of Perth, were issued in January 1856. Dr. Hale was consecrated in July 1857.

There is no Imperial or Colonial Legislation to recognise the authority of the Lord Bishop of Perth.

2. Interest on 5,000*l.* subscribed by the Society for Promoting Christian Knowledge and the Society for the Propagation of the Gospel in Foreign Parts. This money is invested in South Australia. The income from it is about 450*l.* per annum. The Bishop of Adelaide is sole trustee for the same.

A sum of 1,750*l.* arising from land surrendered in aid of a stipend for the Bishop by persons in Western Australia, and purchased by the local Government.

3. There are 16 clergy in the Colony holding chaplaincies.

4. They are appointed by the Secretary of State for the Colonies. The Colonial Chaplain at Perth receives salary at the rate of 300*l.* per annum, solely from Colonial funds, with quarters. The Chaplains to the convict departments at Perth and Fremantle are paid solely from convict funds; the Chaplain at Fremantle receiving 400*l.* per annum, with forage for one horse, and a house; and the Chaplain at Perth 200*l.* per annum, with 40*l.* in lieu of quarters. The Chaplain at Fremantle receives 150*l.* per annum from Colonial funds, and 100*l.* from convict funds, with quarters. The remaining Chaplains are paid at the rate of 200*l.* per annum, jointly from Colonial and convict funds, with the exception of the Chaplain of the Swan district, who receives, in addition to a small stipend of 60*l.* from Colonial and 60*l.* from convict funds, a grant of 130*l.* per annum from the Colonial Church Society. All these Chaplains have quarters, or 25*l.* per annum in lieu of them.

5. There are 20 churches in the Colony, vested in the Lord Bishop of Perth, as a corporation sole, by local Ordinance, 22nd Victoria, No. 3.

6. None.

7. The Letters Patent authorise the Bishop to sue and be sued under the title of "The Lord Bishop of Perth."

(signed) *Fred. P. Barlee,* Colonial Secretary.

Perth, Western Australia, 17 December 1866.

NEW ZEALAND.

No. 45.

[Not received.]

HELIGOLAND.

No. 46.

[Not received.]

FALKLAND ISLANDS.

No. 47.

[Not received.]

CHURCH OF ENGLAND AND IRELAND IN THE COLONIES.

COPY of a DESPATCH of Her Majesty's Secretar of State for the Colonies to the Officer Administering the Government of *Natal* on the Subje of the COLONIAL CHAPLAINCY in that Colon dated 12 August 1866; also, COPY of a DESPATC of Her Majesty's Secretary of State for t Colonies to the Lord Bishop of *Montreal* relati to the Appointment of a Coadjutor Bishop *Niagara*, dated 21 November 1866; and als COPY of RETURNS which have been made in Answ to the Questions lately issued by Her Majesty Secretary of State in reference to the Condition a Circumstances of the UNITED CHURCH of ENGLA and IRELAND in the COLONIES.

(*Presented to Parliament by Her Majesty's Command.*)

Ordered, by The House of Commons, *to be Printed,*
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